

**JANUARY 5, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, January 5, 1998 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

**REORGANIZATION**

***Chairman of the Board***

Commissioner Martin made a motion to retain Marian Smith as the Chairman of the Board of County Commissioners and Commissioner McCown seconded; carried.

***Chairman Pro-Tem***

Commissioner Martin made a motion to have Larry McCown as the Chairman Pro-Tem. Chairman Smith stepped down as Chair to second the motion; carried.

**COUNTY ADMINISTRATOR**

***Bills***

Chuck Deschenes submitted the claims against the County for the first run of December 1997. A motion was made to approve the bills by Commissioner McCown and seconded by Commissioner Martin; carried.

***Letter for Oil and Gas Commission***

Don DeFord submitted a letter from Guy Meyer which will be treated as "intervention." Don stated he had conversations with Barrett Oil and Gas and asked for direction from the Board on what they wanted him to put in the letter as far as impact on the County. The well-sites of discussion were determined last November by Barrett Oil. Don also indicated that the first date of notification was December 12.

Chairman Smith requested an Executive Session to obtain legal advice on how to proceed.

***Executive Session - Oil and Gas***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made to come out of Executive Session by Commissioner Martin and seconded by Commissioner McCown; carried.

***Assisted Living Home - Battlement Mesa***

Chairman Smith mentioned she had a letter from Larry Kallenberger indicating that approval of \$407,000 with a loan of up to \$900,000 for an Assisted Living Home in Battlement Mesa.

***Animal Rescue***

Discussion

Commissioner McCown clarified that the Board did agree to budget \$25,000 towards the purchase of land and the construction of an animal shelter that would be of benefit to the Garfield County residents. Depending upon how this project progresses, an additional \$25,000 for each of the next two years will be allocated.

**JAIL DISCUSSION**

Sheriff Dalessandri, Dale Hancock and Al Maggard were present.

### ***Jail Count***

Total in Jail: 115. 42 main jail; 40 Work Release; 10 females; 10 other jails; 6 Home Detention; no Day Reporting; 6 Workenders; 1 State Hospital; 9 DOC.

Tom indicated there would be a meeting regarding jail overcrowding on Thursday, January 8 at 7:00 A.M.

Dale Hancock provided updates on Community Corrections and mentioned on January 27 CMI would be going to the Planning Commission in Rifle for a Conditional Use Permit versus a Special Use Permit. There are seven residences within a one mile area of the location. Dale suggested to Wayne of CMI that he educate the seven households of what Community Corrections involves prior to this meeting.

### ***C-3 to C-2 - UPL Property***

Commissioner Martin made a motion to move ahead to request a change the zoning of the UPL property from C-3 to C-2. Commissioner McCown seconded.

Don DeFord asked to have the Board go into an Executive Session before voting of this motion in order for him to provide legal advice regarding the current litigation and on-going jail issues.

### ***Executive Session***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of Executive Session; carried.

### ***Vote on the Motion on Zoning***

Commissioner Martin - aye; Commissioner McCown - aye; Chairman Smith - aye.

### ***Community Corrections***

Don mentioned he had been asked to provide a written opinion as to the decisions of the Community Corrections Board's actions with respect to decisions made on applications for the program.

The Board did not have a problem with Don serving in this capacity.

Community Corrections Board Meeting

Thursday, January 8 at 12 noon at Hotel Colorado

### ***Judge Ossola - Court Space Issues***

Dale stated he and Tom had a meeting with Judge Ossola to discuss court space. Judy Vanderleist, Court Administrator will probably be the one to handle this issue per Judge Ossola.

### ***Four Jail Sites***

Dale reported that the Colorado School of Mines is providing the geotechnical of the four sites as possible new jail locations on a no fee basis.

### ***County Business - Continued***

#### ***Oil and Gas***

Discussion

Chuck provided an estimate on the oil and gas tax projections for April 1997 based on production. He stated that 2.6% goes to Road and Bridge and the County only receives 22.14% versus the 36% stated by Barrett in their recent presentation.

The Board directed Chuck to call Mr. Reed whose signature was on the letter and discuss these numbers with him. This will keep the communications open.

### ***Fairgrounds***

Chuck submitted an assessment package for the PA System at the Fairgrounds adding the bottom line was a total of \$26,000.

The Board directed Chuck to inquire of Jefferson County as to the Request for Proposals they put out for their PA system.

Discussion included having bids submitted.

#### **COUNTY BUSINESS - EMPLOYEE OF THE MONTH**

Frank Youland was the Employee of the Month for January 1998.

Dan Hall and Ron VanMeter were present.

#### ***Evaluations - of Department Heads***

Commissioner McCown requested clarification regarding the percentage of salary increases department heads are due and what is the time frame. He questioned if the department heads will receive a longevity raise January 1, 1998 and then another pay for performance on their anniversary date?

Commissioner Martin clarified the Board said in their meeting that they will do the evaluation to establish what their percentage would be for this year; after that the Administrator will be taking on that responsibility.

Commissioner McCown mentioned he was referring to "calendar day evaluations" like all the other County employees. We are paying longevity and then every other County employee will be evaluated on their anniversary date. We are talking about evaluating those people the Board changes from contract employees to County employees, are we deviating from our procedure? Mildred stated that contract employees have not been evaluated nor classified so you have no way of knowing what classification or what their salary should be.

Commissioner McCown added that he didn't have a problem doing that, but are we, through this evaluation process, paying them for performance starting January 1 and then giving them another review on their anniversary date? That is not the policy decided on with the County employees and these contract employees have in fact become County employees.

Commissioner McCown mentioned since the department heads are basically County employees and no longer contract employees, they can not be treated any differently than any other employee. It may not be fair but there's probably only one that it would adversely affect and the others will receive some percentage of longevity to get them through until their anniversary date. Gary Janicek is the exception, however in his contract he was basically promised a pay increase January 1. This was hand written on his contract.

Chuck commented that prior to evaluating anybody you need a baseline and/or a job description of what they were supposed to do and what's expected of them. At that point of time depending upon the lapsed time, between then and their anniversary date, a judgment could be made as to who will continue the evaluation. This initial evaluation is one that will set the baseline and expectation level.

Commissioner McCown reiterated his concern was the pay and cautioned that the Board not show preferential treatment to these people over the average County employee.

It was decided that classifications/benchmarking and job descriptions would be established.

Longevity for former contract employees will be honored and given effective January 1, 1998.

A decision was made that the department heads will get their performance raise on their anniversary date.

#### **DEPARTMENT HEADS**

##### ***Building and Planning***

The transfer of assets involving the swap of the copier with Communications for some computer equipment was discussed.

The Board approved this concept.

***Ryden - Extention Approval - Exemption Request***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize 120 day extension for Charles Ryden; carried.

***Special Use Permit - Lake Toueye***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Special Use Permit for Lake Toueye; carried.

***Resolution - Final Plat - Mamm Creek - Industrial Park***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with a final plat for Mamm Creek Industrial Park; carried.

***Public Service - Shoshone - Public Hearing***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer Public Service - Shoshone involving plans to move their power lines from the main line to the west portion of Glenwood to the Planning Commission at their February 11 meeting; carried.

***Battlement Mesa - Amend PUD Text Zone - Higher Density***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer this amendment to the PUD text zone for Spencer Parkway in Battlement Mesa for high density to the Planning Commission for their February 11 meeting; carried.

The Board recommended that this hearing of the Planning Commission be held in Battlement Mesa recognizing the impact it has on that area.

***Communication Director***

Commissioner McCown stated that a new Communication Director would be on board February 1, 1998. A press release will be forthcoming. The new director will be living down valley and working with the two centers.

***Ambulance Licenses***

Dale submitted the ambulance licenses for renewal. Carbondale, Glenwood Springs, Grand Valley, Tri-County and Silt have all the requirements for renewal. New Castle and Rifle lack proof of insurance, staffing plan and continued education for volunteers.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the ambulance renewal licenses for Carbondale, Glenwood Springs, Grand Valley, Tri-County and Silt; carried.

***Conditional License for Rifle and New Castle - 30 days to complete***

A conditional approval for the renewal ambulance licenses for New Castle and Rifle was made by Commissioner Martin and seconded by Commissioner McCown for 30 days informing these two entities that they must submit the proof of insurance, staff and continued education for volunteers or their ambulance licenses will expire; carried.

***Extension***

***Master Gardener***

Carol McNeel reported that 22 had signed up

***Horse Ecology National Contest***

This weekend the Horse Ecology National Contest that she works with will be held in Denver.

***Foundation - Demins to Diamonds Benefit***

Carol reported this will be held in New Castle on either March 14 or 21. A decision will be made this evening.

The Foundation purchased 2 Gateway computers for their office.

*Approval for a Credit Card*

Carol request a credit card for Extension.

Commissioner Martin made a motion and Commissioner McCown seconded to authorize the use of a credit card with a limit of \$500 be made available for Extension; carried.

*Inventory - Storage Facility*

Commissioner Martin requested that Carol organize the inventory and take the excess boxes that are in the hallway down to the basement.

Carol reported that when Extension moved, some of the boxes taken downstairs have disappeared and some contained her livestock judging collected over the years.

The old history was not taken downstairs, it is stored upstairs.

***Basement of Court House - Discussion***

Chuck indicated that this is a subject that needs to be discussed and space better utilized. When dispatch is transferred to Communications, some of the items stored in the basement will be moved.

Mildred stated a new book discussing achieves is forthcoming that will indicate the number of years to keep records.

Social Services was discussed and Chairman Smith reported that the Mountain View Building doesn't really have room for their storage.

***Fairboard Committee***

Chuck stated he had talked to Ed Cooley and Dick Morgan and they basically have told him they no longer wanted to serve on the Fairboard. Ed Cooley will be happy to serve on the Fairgrounds Committee. Dick wanted to be off for a year or two.

The next meeting is set for January 29 at the Fairgrounds.

**FEDERAL SINGLE AUDIT ACT CHANGES**

Chuck Deschenes and Sharon Brenner presented the changes.

Sharon stated she attended a 2 days class in October and provided a summary and overview on the background on the Federal Single Audit changes.

Sharon submitted a lengthy written document and referenced that the Federal government will not cover costs of audits required by subgrantors exceeding Federal standards; only material non-compliance (\$10,000) need be formally reported; and for non-material items provided via a Management Letter or other means.

She indicated the Federal government made logical changes so that various programs would be evaluated. They also made a determination between low risk and high risk programs as Type A and Type B programs. Type A - over \$300,000 low and high risk and Type B - all under \$300,000 low and high risk. She explained the thresholds. Sharon indicated it was a "common sense" approach.

Additionally, Sharon commented that the State will need to do something to change their requirements. She indicated changes were coming.

**PUBLIC HEARING - ZONE DISTRICT TEXT AMENDMENT - ACCESSORY DWELLING UNIT/SECTION 3.01,3.02,3.03.03 AND 3.10.04 APPLICANT: BOARD OF COUNTY COMMISSIONERS**

Mark Bean, Walt Brown, Don DeFord and Chuck Deschenes were present.

Don stated he had reviewed the publication and it was adequate.

Chairman Smith swore in the speakers.

Exhibits - A - Proof of Publication - Citizens Telegram and Valley Journal and Exhibit B - Staff Information and Comments.

Chairman Smith admitted Exhibits A and B into the record.

Mark stated this was to clarify some original language.

Don commented that these were being amended in order to avoid having to go through the Planning Commission. If they meet the standards, it would avoid going through a public hearing process.

Walt Brown commented what his concern would be, if you are changing single family lots to allow houses to be built without review then he would caution the Board to look at it from that standpoint as this may cause dissension by residents. Secondly, the standards as provided under the 5.03.02.01 states that "proof of an adequate source of water for additional dwelling unit." Does this include a "physical supply of water?" He suggested in making the amendment that the Board may want to consider adding "legally and physically adequate source of supply of water." There is a lot of "pay for water." He also asked about roads and the affect on the neighborhoods. Mark clarified this requires 4 acres for two units.

Mark stated these zone text amendments being proposed were being added to 3.01; 3.02; 3.03.03 and 3.10.04.

These are the zone district text amendments discussed.

3.01.01 Uses, by right: Accessory dwelling unit **approved as a part of a public hearing**

3.01.03 Uses, special: **Accessory dwelling unit meeting the standards in Section**

3.02.01 Uses by right: Accessory dwelling unit **approved as a part of a public**

3.02.03 Uses, special: **Accessory dwelling unit meeting the standards in Section**

3.20.04 Uses by right: Accessory dwelling unit **approved as a part of a public hearing**

Mark stated the purpose of making these amendments is an attempt at dealing with an administrative nightmare. One purpose of these changes is to make use for employee housing. He added that this could be done in a public hearing if the Board wants it.

Walt stated he felt the Board would be taking away a "right of review" by the public.

Chairman Smith agreed that Walt had some good comments but the individuals always have an option to come before the Board as a Special Use Permit.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner Martin to approve as written the amendment changes presented by staff without any other changes on the document.

Motion dies for lack of a second.

A motion was made by Commissioner McCown not to accept these zone district amendments as shown in the proposal. Commissioner Martin seconded; carried.

Walt asked to be notified of land use changes as they are being placed on the Board's agenda.

Commissioner Martin stated that Mark was attempting to solve a problem.

Mark stated he will notify the ones who want a Special Use Permit for an assessory dwelling unit and advise that they must go through the Special Use Process.

#### **CONTRACT DISCUSSION - PHIL VAUGHAN CONSTRUCTION**

Phil Vaughan, Chuck Brenner, Chuck Deschenes and Don DeFord were present.

Don stated a draft for a Design Build for the Fire Fighting Facility at the Airport Facility has been presented for discussion.

Don further explained that this would be handled in two separate functions: the schematic design and the actual construction. As for the Schematic Design this Board is the contracting authority. Chuck provided an update and explained that historically four parties have been involved with the Airport Facility: Rifle Fire Protection District; the BLM; the Airport Authority; and the County. So these four are participating in this structure. The exact site has not been selected. All of these entities are contributing funding and the bulk of the funding, which a known figure will possibly come from the schematic, will come from the BLM but there is significant participation by the parties also. There is a lot of things that must be settled and probably will be once the cost is known and everyone comes to the table for discussion. Chuck stated his initial recommendation

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is that the County own the property but this has not been totally decided yet. To get the ball rolling for the schematic drawing and the initial cost estimate that the County be the lead agency. Later on that may change but to keep it moving forward, Chuck commented it needed an entity that is here in the County and has an interest in seeing this thing carried forward as expeditious as possible and take responsibility for it. Decided during the process was, first it was necessary to determine how much this facility would cost and what the footprint would be in order to determine if there were enough resources to build. Therefore, it was divided into two phases - the schematic drawing and a cost estimate. This is to be Phase I and then Phase II would be contingent upon all the participants being able to afford this. Also a concern was the relationship between the contractor and the parties participating as they wanted the option if they were dealing with someone they philosophically they did not get along with, then they could change contractors at that point and time due to the complexity of comprehensive projects in the past which required a lot of coordination and skilled in communication.

Discussion was held.

Commissioner McCown asked about a site location.

Chuck stated he talked with Mr. Howard who basically made a proposal on a site that was not acceptable to the parties. Mr. Howard's PUD makes provision for a fire station. Whether or not this particular structure sitting on that parcel would be in lieu of the dedication for that site or not was undetermined.

The Board indicated that Chuck should sit down with Mr. Howard and make this determination. Don DeFord clarified the purpose of this meeting today saying that Phil will show, with the schematic phase, a preliminary budget number. This will enable the Board to take the cost and general design and evaluate the feasibility of acquiring the funds to build. In this process however, Phil is anticipating a commitment as the contractor to do the work. This Board cannot make a commitment to Phil and Chuck for that matter, until the figures are in on the cost. Chuck mentioned there was no intent to go out for Request for Proposals unless there was a serious disagreement between any of the four entities and Phil. This is something he did not anticipate happening.

Don commented that at this point the Board was only committing to a schematic design.

Phil stated he understood the commitment and acknowledged there was Part I and Part II. He explained however, that in the schematic design and cost figures, he has submitted a proposal for the contracting.

Commissioner McCown said he was reluctant to commit to the agreement to build as the funding mechanism is not in place. This is why the Board had Phil and Chuck come in and discuss this and make sure everyone was on the same page.

Phil added the benefit of a "design built" contract allows some flexibility and at the very first it wasn't necessary to have a site determination, however shortly into the process it would be essential for accurate cost figures.

#### *Site Designation*

Don asked if there is a specific time when site designation must be done.

Chuck commented yes, the schematic design and cost figures depends on the road access and orientation. Without a site, some things will change.

Don stated he was trying to avoid a delay of several more months and wanted time-frames.

Mr. Howard was identified as the key player.

Commissioner McCown mentioned if Mr. Howard can meet the obligation of a fire district in his area and work with this idea, he might be more receptive to property designation.

It was determined that the best place to locate this facility would be the South side of the Airport within reasonable limits to the access road.

Chairman Smith suggested the next step is to determine the requirements and for

BLM to make sure their needs are met.

#### *Time Frame*

Phil Vaughan will submit the schematic and cost estimates by April 30, 1998. A site designation for the Fire District will be determined by mid-February and provided to Phil Vaughan.

Don added that if for some reason Phil determined he would be unable to provide the schematic and cost estimates by April 30, 1998 that he should come in and advise the Board.

#### *Geotechnical*

The Board is responsible for the geotechnical.

Phil asked to have a site specific soils report and a topographic view on the site as well.

#### *Amend Contract*

The Agreement was amended, Section 2.18, Part I, Page 4, to the 27th of February stating the "owner shall specify site within 60 days after execution of contract."

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Agreement between Owner and Design/Builder, Phil Vaughan Construction Management; carried.

#### ***Fire Truck at Airport***

Don asked who will be in possession of the fire truck recently acquired and who will operate it? It was determined that the entity that will operate the fire truck should be the one in possession of the equipment.

Chuck mentioned that he would discuss this with Russell George's office and probably have Melody do the legal work.

#### ***Fairgrounds***

Phil stated that Lee Moss had contacted him in regards to building an arena at the Fairgrounds and requested an update.

Commissioner McCown commented that what the Board had discussed and what was perceived by staff was entirely different. The Board is moving ahead with the drainage work and this would need to be completed before a site location could be determined. Also there were no funds or commitment to build a building at this time. However, Request for Proposals would be needed when the time came.

A decision was made to wait until the Fairboard and Fairgrounds Committee were in place and then receive input from them regarding the building footprint.

#### **ROAD AND BRIDGE DISCUSSION**

##### *Overweight and Oversized Reports*

King Lloyd submitted the overweight and oversized reports for review.

Chairman Smith suggested King put together a time during a regular meeting to discuss weight regulations and enforcement. The Sheriff should be invited as well.

Discussion included the possibility of purchasing some portable scales, if an enforcer could be available, in order to catch more offenders of the weight and oversize restrictions that require permitting. The scale at the landfill was also mentioned also as a possibility.

Commissioner McCown indicated his thoughts of using County scales and having the enforcement provided by the State Patrol.

King reported that at \$5.00 per permit, they had received \$1900 in permits for December.

The methods to cure those who do not obtain permits were identified as:

- 1 - write citations;
- 2- educate the Sheriff's department with respect to how they can assist; and
- 3- a meeting was set for January 26 at noon with King and Sheriff Dalessandri.

King will notify the Sheriff.

Mildred reported that Carbondale had doubled their fees for VIN inspections and all other fees.

#### *CCI Landfill Meeting in Craig*

King attended the CCI Landfill meeting in Craig. He stated Chris Kristelian made a presentation and it appeared that a hazardous materials charge is assessed on all landfills throughout the State and this goes directly to the Department of Health. This charge varies with the types of loads but as an example a garbage truck is 25 cents per load. If we turn in quarterly reports to the State, then they calculate and send us a bill for the number of loads and we pay it quarterly. These funds go into a hazardous fund clean-up pool that can be utilized by landfills that comply with the State Regulations. It can also be used by mining industries to clean up problems that they have. Summitville just recently tapped into cleaning up a mess they had with the mining industry. The Legislation is the entity that makes the fee and makes it a regulation, however it is about to sunset. So Chris was trying to get a feel from everyone. Apparently some Counties had knowledge that this was to be discussed. Chris wants some ideas as to the Counties input into new legislation for this money. King stated Chris suggested to increase these charges and have them go into Department of Health for clean-up and staffing in order to reduce the overall budget for the State Department of Health (DOH). The DOH didn't know how much money they generated off of this hazardous waste fee. It was fairly clear that no one supported this concept; therefore they are going to do three other meetings around the State and get some ideas. Commissioner McCown suggested a per County escrow account - self-assurance. Chuck indicated there some good models out there.

#### *Financial Insurance*

Chairman Smith asked if anything was discussed regarding financial insurance.

King said that he and Glen Mallory discussed how to finance this and it has been set. The part this Board needs to do is to make a decision on is how we are to finance it. Those regulations are in place and there is a local government's test. The test is that a licensed engineer, on an annual basis, put together a plan and submit it to the State for their acceptance and approval. This will need to be updated on a yearly basis with the inflation factor.

#### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

##### *Gene Park - Battlement Mesa*

Thanked the Board of County Commissioners in advance for supporting Garfield County on Tuesday, January 6 with Barrett Energy. He feels the oil and gas industry is not being very cooperative. The public in LaPlata and Weld County should have input when the oil and gas companies are making decisions in their area same as residents of the Battlement Mesa should be heard in their area.

Chairman Smith indicated they would not be present at the meeting but they were sending a letter.

Gene stated several phone calls and faxes were sent to the Oil and Gas Commission to let them know the concern of the residents. He said the message was: "If you chose not to listen, then it will send a message to us that you do not care where you are going." Russell George is willing to introduce legislation to limit the industry. He added the group's goals for 1998 consist of a 3 point process: 1) work with COCGC; 2) Russell George will introduce legislation to address the problems seen in this County as well as LaPlata and Weld; and 3) create an initiative at the grass roots level to get on the State ballot to vote as to what they want done. They are asking for re-organization of the COCGC Board to be more representative of the people. They are suggesting 3 from oil and gas to have input; local government, business, prominent land owners and a person at large. The goal is to protect our land and environment. They are also going to be asking for oil applications to be heard in the County where the drilling is to take place as published Public Hearings. Gene described the process on how one goes about getting a time to present input into these public meetings in Denver, which is unfruitful many times. He also commented that another of their goals was to work with the Board of County Commissioners to try to get a system created for the Counties that will be a better and quicker return on damage to the roads. Presently

it can take up to 2 years before the County sees any funds impacted by the oil and gas industries on roads.

He added another goal is to require a company, who is applying for a drilling permit, to put up a bond or cash to cover damage when the well is completed. He feared all the scars and damage will be left and the oil and gas companies will skip.

The real problem has yet to hit, when the 50,000 acres of BLM oil are opened, the big companies will be the problem. If there are no laws or rules in place before the big companies come in, we will have problems. The people need control. They will insist that the surface rights owner have the same rights as the oil and gas. Gene mentioned the ruling in the Magnus Case in Weld County by the Supreme Court. Magnus sued an oil company in Weld County and the decision was that the surface right owner should have the same equal rights as the minerals owner and vice versa. But Colorado Oil and Gas Commission refuses to recognize this ruling. They maintain they are mandated by the State and that's the way they have to operate. However, through the efforts of what this group has done and the position taken by this Board and Russell George he felt the oil and gas people are beginning to listen. Russell George has informed them that if they do not clean up their mess, then he will go to the Legislature.

Commissioner McCown commented that the Oil and Gas Board is appointed by the Governor and these concerns should be directed to the Governor.

Gene added that Russell George became involved when a concerned local resident went to Denver to speak to the Oil and Gas Commission and was denied the opportunity to speak. Denial of a citizen to speak was of great concern to Russell George. Gene stated he had met with Russell three different times and the group was obtaining direction, assistance and knowledge in doing a better job in what they are trying to do.

Gene mentioned it would be good if the Commissioners could attend their meetings. They are held the first Thursday of each month at 7:00 A.M. at the Senior Center and they alternate between Silt, Rifle and Battlement Mesa.

#### **UPDATE ON BEAVER CREEK LOGGING SPECIAL USE PERMIT. APPLICANT: INTERMOUNTAIN RANCHES, LLC.**

Mark Bean presented the letter from Intermountain Ranches, LLC stating they were still working with Wildhorse and requested until February 17, 1997. at 3:00 P.M.

Commissioner McCown so moved and it was seconded by Commissioner Martin; carried.

#### ***Road and Bridge Continued***

##### *Four-Mile Road Construction - Nelson - Revegetation*

King provided an update and discussed the discrepancies in square footage saying it was different and determined as to who is doing the survey.

West Glenwood Canyon Tree price - \$14,666.92 includes 4500 sq. ft. at \$3.26 per sq. ft.

##### *Direction*

The Board would like to go with West Canyon's price however, they wanted to obtain Mr. Nelson's approval on the measurement.

Don suggested to have Mr. Nelson come in and meet with the Board. The approach would be to tell him, this is what we have, we are ready to move on this and if you have a problem come before the Board.

Commissioner Martin stated the Board needs to take this direction and requested a letter be drafted by Don DeFord proposing the County's direction.

Commissioner McCown made a motion to authorize the Chair to sign the letter to Mr. Nelson stating our proposed settlement of this damage claim. Commissioner Martin seconded; carried.

#### ***Four Mile Construction - Claim***

Lee Leavenworth has verbally reported to Don last week that he will be filing this week for Mr. Colodny stating he lost a hay crop on his property due to the method of construction that denied him to gain access to his property during the construction on County Road 117. Don commented to Lee to get this in because we are reaching the point of doing final settlement.

### ***County Road 109***

King reported he had a meeting with Sam Phelps and Schmueser Gordon Meyer was proceeding on County Road 109. Sam has done extensive field surveying and research where the County Road is recorded and presented drawings to the previous Board. King stated the Board wanted to have a field trip to view exactly where the recorded right of way lies in relation to the one being used in a few places so Sam can get direction on how to start negotiating with land owners in order to make these improvements.

A meeting needs to be set with Schmueser Gordon Meyer.

Don stated he needs a 60 day lead way in case condemnation is necessary.

Don suggested to have Sam in front of the Board and then authorize Don or King to begin negotiations.

### ***Direction***

Sam is to formalize a map with ownerships, then come to the Board. A potential swap for the old right-of-way for property to be encroached is the first point of negotiations.

### ***Teller Springs***

Commissioner Martin added that Teller Springs and the water tower needs to be discussed.

### ***Colorado Department of Highways***

A motion was made by Commissioner Martin to send a letter to the Colorado Department of Highways to request the review and permitting process of access onto State Highways for Garfield County, and running this through Planning and Road and Bridge.

Commissioner Martin further explained that the County is able to collect fees off of that as well as taking the application, making our recommendations and referring it to the Colorado Department of Transportation for their review and recommendations and having it sent back to us in our time-line. There is an authorization in the Colorado Access Code that authorizes us to do this and we are one of few Counties who do not.

Chairman Smith commented that apparently the State is going to have some Public Hearings and rule making on this thing and wondered if we were premature.

Commissioner Martin stated that no, we were way behind.

Don stated we have authority under the Access Code and can go one of two ways: the local entity be it County/City can control the permitting process on State Highways, in this case Highway 82 would be the prime example as well as Highway 6 & 24 and Highway 133.

Commissioner McCown asked if this was for a drive-way permit.

Don clarified it would be for any kind of access. The permitting process has to be substantially similar to the current process the State uses. It requires, and John is correct, we can refer it to the State for their input and hopefully they will do most of the engineering and technical analysis but he suspected it would require some technical review on the County's part as well. That's one way to go. The way we follow to date we have left it in the hands of the State Department of Transportation which we can still do.

Eric stated the only thing we receive back from the State is an actual access permit after it has been granted.

Commissioner Martin commented we would also receive this under this review process.

Commissioner McCown asked if the applicant will have to go to the State?

Don stated no, they would come to the County, then the County goes to the State.

Eric - the way he understands it, it can be one of two ways: 1) quoting from the Highway Access Code, the County could be the absolute authority (Road & Bridge or whatever department the Board designated); we review the application material both consistent with the Access Code; and

we could be the appropriate grant permitting authority for the County and just have the State review the permit application itself and submit recommendations. Then the State would send it back and the County would have the absolute say on whether or not to grant the access. Commissioner McCown asked if the State was willing to give this authority to the County. Eric stated yes.

Commissioner Martin quoted administrative Section 2 of the Access Code.

Chairman Smith referenced a notice stating the State was working to revise the 1985 State Highway Access Code will have seven public workshops on this and take comments. Workshops have been arranged in Grand Junction, Frisco, Denver, Limon, Durango, Alamosa and Pueblo and then a full Public Hearing on the February draft that comes out of this. Comments can be made until January 30 and then a formal adoption of the proposal drafts is to be on April 16.

Commissioner Martin stated what it amounts to is that we have a review process and a permittee process. The permits could run through Garfield Planning Office; there is a fee assessed at each application; that fee is retained by the County; the County makes their recommendation; and sends it within 30 days to the State of Colorado who then in another 30 days return it back to the County with their recommendations; the County has the right to grant the permit; issue the permit or we have the right to go ahead and say these other recommendations have to be added.

We have control of the access off our County Roads to the State Highway. This is a local authority that needs to be in place. There is a master plan and a change in philosophy at the Colorado Department of Transportation. Bob Moston is retiring and so is Chuck Dunn who is the Access Coordinator. Dunn does not visit these locations, he makes recommendations. He makes the recommendations based on nothing but what is in the rule book. He doesn't come up and ask for input of the local authorities. He does this for 14 Counties the rest of the 63 do their own. When Dunn retires there is no one that is going to take this position. Ralph Trapani does have the inside track; he has a master plan of the entire area, Hwy. 82 and I-70; and it is totally different than what it has been before. He wants us to take our own destiny and control our access and work with his master plan.

Commissioner Martin clarified that there may be some revisions within the Access Code but it will not be totally re-vamped. All it takes is a letter from this Board asking to be the permit grantors; that is all the application says. All we have to do is follow the Code as it is written out in the Colorado Access Code and submit the request to the State Highway for their engineer review which happens to be in Glenwood Springs - Rich Orten. This came out of the workshop with Mr. Moston, Mr. Dunn, Mr. Trapani; Mark Bean and I were there as well.

Commissioner McCown seconded the motion.

Vote: Martin - aye; McCown - aye; Smith - nay.

Commissioner Martin stated he would like Don authorized to send a letter to the Colorado Department of Highways before Mr. Moston retires at the end of the month and request to be the permit grantor.

Commissioner McCown asked which Department would be in charge of this.

Commissioner Martin stated the Building and Planning as all requests come into Planning for access onto the Highway.

Commissioner McCown asked for clarification on the chain of events.

Commissioner Martin stated if someone calls the State asking for a drive-way permit off of i.e. Highway 6 and 24, then the State will refer it to Garfield County.

Eric stated the Board has the option of setting this up anyway they want it to operate. The entire County can be the permitting authority or we can basically be the first stop, get the application and forward it on down to the C-DOT for their review, approval and/or conditions, or denial, and then send it back to the County. The County can ultimately amend those conditions, rescind them or add to them.

Eric also commented that when we talk about all the stuff with the State and talk about water supply or waste water treatment, etc. there are Statutes that tell the State they need to report back

to the Counties on these land use matters and the fact that they don't give a favorable response, it could be denied. Typically, the State does not give us much response that the County can utilize and if we ask why, the State answers that land use is a local authority and you guys should decide. By granting us with this type of authority, they are saying exactly that "land use" - you deal with it.

Eric suggested perhaps to obtain a clarification from the State as to exactly what they do mean. Commissioner McCown said if the County is going to be the hearing agency and the permitting agency, then he proposed to take the State out of it and handle it all.

Eric commented that the County has that type of authority. If the Board decides to go this route, he suggested getting an Engineer on board who will be able to review the engineering specifications on what the applicants submit.

King commented if the Board was serious about taking the State completely out of the loop, we need to adopt some better and more definitive access criteria than what the County has now.

Commissioner McCown said he suspected we would need to follow the State's guidelines as they are fairly standard.

Commissioner Martin agreed that the State's standards must be followed.

**PUBLIC MEETING: SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 2 MILES EAST OF SILT ALONG COUNTY ROAD 214. APPLICANTS: DEL & TONI WHITTINGTON**

Eric McCafferty, Chuck Deschenes and Del Whittington were present.

Eric stated he had presented the proof of notification to Don DeFord for review.

Eric, in the absence of Don, clarified that notification was in order and so stated this before the Board.

Eric McCafferty presented a letter written to Mr. Del Whittington regarding a continuance of the pending subdivision exemption which commented that this public meeting should be continued until the County can formally vacate CR 238 and take title to the right-of-way.

The vacation for old County Road 238 is set for next week and he suggested that the hearing can be set immediately following.

Commissioner McCown made a motion to continue this public meeting until January 12 at 11:15 A.M. Commissioner Martin seconded; carried.

***Energy Impact Grant***

Chuck stated he had a phone call from Tim Sarmo in regards to Mamm Creek Road.

Chuck stated the State Impact Grant is - \$ 800,000 (combining \$300,000 with \$500,000)

The total project cost is - 1,367,843

The County and other funding is - 567,843

Tim is sending out a draft contract stating the amounts of the State Impact Grant, the total project and the other funding amounts. Chuck stated the preliminary cost estimate is the \$1,367,843 and the big question is, is the Board willing to designate \$570,000 to this project?

Commissioner McCown stated he felt the Board did not have any choice.

The Board agreed.

Chuck stated Tim was sending the draft contract. Some funds can be generated from the oil companies as Snyder and Tom Brown and Vessels have so stated and he felt Barrett would be willing to contribute also.

***Springridge - Greenwald Irrevocable Trust***

Mark Bean and Don DeFord were present.

Don stated the County received a request from Mr. Fitzgerald on behalf of Springridge Place to deed back a reservoir site they had deeded to the County pending resolution of water issues on West Divide. Don stated the Commissioners were aware that he could not personally participate in this project and suggested it should be referred to the Planning Department for their advice.

Mark commented that Walt has determined that everything was done that was necessary.

Don stated if the Board feels they can proceed then that's fine and if not, Josh Marks should be contacted.

Mark stated his understanding was they had complied with everything they needed to with the deed and the improvements that were necessary with the water rights because the West Divide Conservancy District has established their augmentation plan and it's been accepted by the courts and is in place that applies to this. Therefore, as a result normally what we would do is deed this back to the Greenwald Children's Irrevocable Trust. Mark added that he did not have anything in writing from Walt stating all the necessary things were done.

Commissioner McCown stated he felt we needed a letter in the file stating everything was done. Mark will contact Josh Marks and go from there.

### ***Road and Bridge Continued***

King indicated another problem with the dispatch center which he felt a short training may overcome. He said he was going to write another letter to the Communications Board.

The Board was aware of the problem that occurred Saturday at Sunlight.

Discussion was held.

Chairman Smith stated she heard the conversation over the radio. Dispatch got the call that the roads were extremely slick but that they have their orders not to send anyone out on the weekends unless it has been verified there is a need by someone from the Sheriff's Office.

King commented he was not aware of this.

Chairman Smith said someone from the Sheriff's office was going to go up and check. So you probably do have a real communication problem.

King stated the communication problem he was talking about was that Kenny had called dispatch informing the operators that he was on call this weekend and had the pager; if there is a problem, give me a page. Kenny went out Saturday morning, the road was fine, going on about his business with his pager. Kenny never got a page. Dispatch called his house and by the time, Kenny got the page and responded and John Prehm was already up there.

Commissioner McCown stated Kenny's mom informed him that Kenny was at the top of Cattle Creek. At that point he informed the dispatcher he was not aware of that policy however, he would take care of the problem

King was not aware that Kenny was that far out of range; however, the communication problem is that dispatch will not use the pager to reach his men.

The Board suggested King listen to the tape in dispatch and clear up this misunderstanding.

### **PUBLIC HEARING: SPECIAL USE PERMIT FOR A LOG HOME CONSTRUCTION BUSINESS LOCATED OFF OF HARNESS LANE, NORTHWEST OF SILT. APPLICANT: JOE ANN NICHOLS (SMITH & COMPANY)**

Mark Bean, Don DeFord, Chuck Deschenes and Joe Nichols were present.

Don determined that adequate and timely notification was made and advised the Board they were entitled to proceed.

Mark submitted Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibits C - Application and Attachments; Exhibit D - Project Information and Staff Comments.

Chairman Smith admitted A - D into the record.

Mark presented that this is a Special Use Permit for a natural resource processing facility, specifically a log home construction site located on a 90 acre tract of land located along CR 236 northwest of Silt.

The applicants put log home kits together on the property, using logs and lumber cut on the adjoining property by K & K Lumber.

Discussion was held.

Chairman Smith recommended the hours of operation needed to be considerate of neighbors as this is the main source of complaints. She recommended the following hours:

6:00 A.M. to 6:00 P.M. - April through October and November - September through March - 7:00 A.M. to 6:00 P.M. 7 days a week.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to grant the Special Use Permit for a natural resource processing facility and storage - applicant Joe Ann Nichols, Smith and Company with the recommendation No. 2 be changed to read as 6:00 A.M. to 6:00 P.M. April through October; 7:00 A.M. to 6:00 P.M. all other months; that we delete No. 3; and accept the other recommendations (shown below) as included in the packet carried.

***Recommendation:***

Staff recommends approval of the SUP, based on the following conditions:

That all verbal and written proposals of the applicant shall be considered conditions of approval, unless specified otherwise by the Board of County Commissioners.

That the hours of operation of the facility be limited to 6:00 A.M. to 6:00 P.M. April through October; 7:00 A.M. to 6:00 P.M. all other months. That any operations associated with the K & K Lumber Company occurring on the applicant's property that are not legally permitted, shall either be removed or properly permitted by the County Commissioners within 90 days of the approval of the resolution approving the natural resource processing.

**CONTINUED PUBLIC HEARING: ZONE DISTRICT AMENDMENT MODIFICATION FOR THE PERSHANNA FARM PUD LOCATED 3 MILES EAST OF CARBONDALE ALONG COUNTY ROAD 100. APPLICANTS: HENRY AND LANA TRETTIN; BRUCE ROSS**

Eric McCafferty, Ron Liston, Bruce Ross, and Don DeFord were present.

Don stated at the last hearing adequacy of notification was provided.

Eric submitted the following exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Project Information and Staff Comments; Exhibit E - letter from William Gilligan; Exhibit F - Copy of Garfield County Zoning Resolution of 1978 as amended; Exhibit G - Copy of Garfield County Comprehensive Plan for Study Area I as amended; and Exhibit H - a letter from Paul Tadune dated 1/5/98 and also a letter from Ron Liston dated 1/5/98.

Chairman Smith admitted Exhibits A - I into the record.

Eric read into the record a letter from Paul Tadune representing Trettin's agreeing to a continuance and a letter by Ron Liston stating exactly the same thing in regards to a continuance. Eric stated the applicants have waived the 120 day time period and are asking for an extension. Don advised the Board that by our Statutes and Regulations, this can be extended by mutual agreement or the Board can elect to proceed today. If a continuance is granted, a date certain would need to be stated; also a time determined to make a decision in case the Board wanted to take it under advisement.

Ron Liston stated there were still issues to be worked out.

A motion to continue the Public Hearing until February 9 - 3:30 was made by Commissioner McCown and a date certain to make a decision of February 17.

Ron Liston agreed to these dates.

Commissioner Martin seconded; carried.

***Minutes Approved***

Commissioner Martin made a motion to approve the following Board of County Commissioners meeting minutes: Regular Meetings - May 19, July 7, July 14, July 28, August 11, September 2, and September 8, 1997; Continued Meetings - August 12 and August 20, 1997; and a Special

Meeting - November 24, 1997 for Road Impact Fees. Commissioner McCown seconded; carried.

### ***County Engineer***

Chuck mentioned he wanted to have a discussion regarding the County Engineer Position. There are three applicants.

A portion of the position will be allowed to Building and Planning and the other for Road and Bridge.

Chuck stated the primary need is in Building and Planning and asked for input as to the percentages of time.

Chairman Smith suggested 60/40 and Commissioners McCown and Martin agreed.

The following will be involved in the interviewing and hiring: Mark Bean and King Lloyd.

Mark stated they needed a good generalist.

Chuck stated that Barbara has done some work in the area of comparison of salaries for the engineering position, however, \$40,000 was the ballpark figure plus benefits.

Don interjected that what we are seeing now with the Department of Health on sewage review on subdivisions that there is a possibility of having to pick up more of that expense and review as well.

Chairman Smith commented this was another unfunded mandate.

### ***Building and Planning Fees - County Attorney***

Mark and Don discussed fees that come from the County Attorney's office stating that up until this year, Don has not charged fees to Mark's office and therefore he has not passed through these fees to the developers. In a similar manner we have not passed through the cost of private counsel when retained.

Discussion

Don suggested one way to handle this would be for the County Attorney's office to submit hourly billings to Building and Planning that Mark can pass through on specific projects. The question for discussion was how to handle outside counsel such as Walt Brown, Tom Smith and Josh Marks.

Don suggested to at least charge the fees that he would have charged had he been doing the review, and have the County paying the difference.

Mark added that Don, Mary Lynn and he had been working on a Resolution to update the existing fee structure. The present regulations have built in the base fee amounts that can be billed to the developer. The last time a Resolution was done was 1992. He suggested the hours for an Engineer also be included. The attempt is to not only include the direct costs with the hourly and benefits attached but also build in the indirect costs shared in terms of other work involved in the other offices such as the Clerk and Recorder.

Don stated by law you can only charge the actual cost to the developer. This includes rates plus benefit costs for those directly involved and then indirect costs or overhead costs such as secretarial help, space and equipment. This will be built into the fee structures of the County Attorney's office.

Mary Lynn has projected that the aggregate fee for Don would be somewhere in the area of \$50 - \$60 a hour.

Chuck stated he would also submit some ideas.

Don commented this would need to be published 30 days in advance of taking effect.

### ***Contract 1997-98 - Snow Removal - Pitkin/Garfield Counties***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the 1997-98 Contract for Snow Removal on County Roads in Pitkin County.

This was determined to have already been approved. The contract needs to go to Pitkin first for signature then the Chair will sign.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to rescind motion; carried.

### ***Proxy - CCI - Margaret Long***

A general proxy for CCI in regard to Health and Human Services was approved to be given to Margaret Long, if a member of the Board of County Commissioners were unable to attend. Commissioner Martin indicated he felt this Board should attend the meetings and Margaret should not attend the meeting unless directed either by this Board or the Administrator and that it was very important to know what the County was going to be voting on.

Chairman Smith stated she agreed but commented it would be essential to have an Agenda. The Board was in agreement.

Chuck stated this continues to relate to the setting of goals by the Board. He would follow up with CCI about getting agenda's for the Board.

The general Proxy to Margaret Long was approved by the Board, however, it was to be re-visited in the future based upon the Board's priorities.

### ***CCI- Publication Requirements***

Chairman Smith commented about the publication requirements asking each County to submit a sample of what they publish each year with respect to trying to change some of the requirements. Chuck stated he would follow up.

Once the Agendas are before the Board, then specific direction can be given to Margaret.

### ***State Highway Access Fees - Letter - Responsibility Assigned***

Chuck mentioned to Don that while he was out of the meeting, he was designated to write the letter advising the State that the County would be assuming responsibility for this review.

Commissioner Martin reminded Mark that the County would be collecting the fee and therefore this needed to be in place. Eagle County has everything set up the way Colorado likes it and it was recommended to follow this example.

### ***Zoning Application - City of Glenwood Springs - Revisited***

#### ***C-3 to C-2 - UPL Property***

Don stated he needed to revisit the request to submit a zoning application to the City of Glenwood Springs and obtain some clarification and needed an Executive Session.

### ***Executive Session***

Commissioner McCown moved to go into an Executive Session to discuss the proposed zoning change. Commissioner Martin seconded; carried.

Commissioner Martin made a motion to come out of Executive Session. Commissioner McCown seconded; carried.

### ***Library Board Appointments***

Chuck Deschenes requested input into the Library Board Appointments as they are acute with two vacancies and having a problem with a quorum. This has been published and two applications received - Cheryl Phelps and Charles Dixon.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to appoint Cheryl Phelps and Charles Dixon to the Library Board; carried.

### ***Housing Authority***

Don mentioned to the Board they might consider whether or not a Commissioner is needed to serve on this Housing Authority Board. It is not required but the recent developments indicate

potential problems and the need to have a Commissioner on the Board that acts independently of the County Commissioners. There is always the implication that there is a symbiotic relationship. The liability issue was discussed, CAPP does not provide insurance for this Board. Chuck mentioned either the Board takes authority or it is a stand alone Board. Chairman Smith suggested looking at the way it was originally set up and decide. This was tabled for a later discussion and an Executive Session.

### ***Journal Entries***

Chuck presented the Journal Entries for the Commissioner's review.

### ***Budget Adjustment for 1998***

Chuck stated the carpet did not come in as scheduled and he was planning to carry forward the funds for carpet making a budget adjustment for 1998.

### ***Veteran's Officer - Pitkin County***

Chuck mentioned that he had been requested to extend activities to Eagle County by our Veteran's Officer. Their officer retired. This would be an increase in travel and a minimal work load.

The Board did not have a problem with this.

Chuck will talk to Joe Carpenter first before making the commitment.

### ***Airport***

#### ***Internet Page***

Chuck provided an update saying the Airport has an Internet Home Page. Barry Hamilton, Airport Advisory Board, had mistakenly put in that it was owned and operated by Garfield County and Chuck would comment and clarify.

#### ***Sewer Problems***

Chuck indicated there are some problem with the sewer at the Airport. He briefly advised them of the problems.

### ***CMC - Endowments***

Chuck indicated he would get additional information as to what was being planned.

### ***Fairgrounds***

#### ***Grading and Staking***

Chuck indicated that Sam Phelps will do the staking when the County needs it done. He inquired about having Road and Bridge to do the grading.

The Board felt the Road and Bridge had the expertise to handle the grading but time may be the only factor.

Chuck indicated it may take a week to accomplish this job.

Chuck was directed to talk to King and receive feedback as to scheduling.

### ***Executive Session - Housing Authority***

A motion was made to go into an Executive Session by Commissioner McCown and seconded by Commissioner Martin; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

### ***Proxy to Margaret Long - Motion***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a proxy for Margaret Long to vote on the Board's behalf at the Human Services meetings when a Commissioner is not available to attend; carried.

### ***Continued Meeting - Administration Discussion***

The Board continued the meeting until Tuesday, January 6 at 8:00 A.M. to discuss the contents of the letter submitted by Chuck dealing with administrative changes in 1998.

Commissioner Martin so moved. Commissioner McCown seconded; carried.

***Recess - Until January 6, 1998 - 8:00 A.M.***

Attest:

Chairman of the Board

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JANUARY 6, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Continued meeting of the Board of County Commissioners began at 8:00 P.M. on Tuesday, January 6, 1998 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

DISCUSSION WITH COUNTY ADMINISTRATOR

Chuck Deschenes submitted a written response to the Board on Monday at the regular Board meeting in regards to the re-organization of the County management system and his role in it. Chuck met with the Board to discuss mutual goals; job responsibilities - additional staff to assist; salary decision; and a contract.

A decision was made for Chuck to develop a contract with Don DeFord including the concerns he addressed.

Recess - 9:10 A.M.

**Attest:**

**Chairman of the Board**

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JANUARY 12, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, January 12, 1998 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

Chairman Smith mentioned there was a Regional Planning Meeting - 2/6/98 - City Hall and also a reminder of the meeting with the School Board from 5:30 to 7:30 P.M. Tuesday, January 13, 1998 to discuss school impact fees. No decision will be made.

COUNTY ADMINISTRATOR

***Copier - Sheriff's Department***

Mike McBreen presented the bids for a larger copier as follows:

Colorado Office Product	Konica - 7050 Digital	\$19,775
less trade in		-1,000
Total		\$18,775
Unilink	Ricoh Antico 500 Digital	\$17,780
less trade in		-3,500
Total		\$14,280
Ikon	Cannon 6050	\$16,031
less trade in		-1,000
Total		\$15,031
Lewan & Associates	Sharp SF 2505	\$15,154
less trade in		300
Total		\$14,854
Lewan & Associates	Sharp SD 2060	\$17,500
less trade in		- 300
Total		\$17,200
Lewan & Associates	Sharp SD 2260	\$18,589
less trade in		-300
Total		\$18,289.

Mike suggested the Unilink bid for the Ricoh Copier for \$14,280.00

Commissioner McCown made a motion to accept Unilink bid for a Ricoh Copier \$14,280.00.

Commissioner Martin seconded. Carried.

Chuck stated: This will need to be carried forth for the 1998 budget, also the shredder for second floor for \$2,100 - \$2,200.

***Contract - Administrator***

Chuck wrote another memo in regard to his contract clarifying that Mary Lynn had worked on it and he had already signed it. He called attention to a change made and submitted it to the Commissioners for their review. Discussion was held with respect to the various department heads.

Commissioner McCown stated he did not mean to indicate preferential treatment would be shown for any department. They are all County employees at this time.

Chuck stated that Eagle County has incorporated Human Services/Social Services into the regular County system and he would be getting in touch with them very soon for more details.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the contract with Chuck Deschenes as the County Administrator for 1998; carried.

### ***Capital Purchases - Road and Bridge***

Commissioner McCown mentioned that the Board had approved going with a lease purchase agreement this year with Road and Bridge Equipment, and asked Chuck if a contact should be made with Alan Matlosz for a favorable financing package.

Chuck stated that he needed to sit down with King and Mike and determine bidding it both ways so that a comparison can be made on "down and out" purchase costs without financing and also to check on John Deere and Caterpillar's financing price; then ask Matlosz to bid also.

Commissioner Martin commented that King had been contacted by Regional Bank and suggested they be contacted as well.

Chuck indicated that Mike has a file as the County is contacted from various sources indicating they are wanting to be considered for our financing of capital purchases.

### ***Valley Resource Management***

Chuck stated Valley Resource Management requested a sizable contribution. Chuck informed them the Commissioners receive requests during budget time and very seldom do they fund a request during the year after budget has been approved unless it is an emergency.

### ***Notices for Library Board***

Chuck stated he had contacted the new Library Board members and Ruth has sent letters.

### ***Economic Development Task Force***

Commissioner McCown commented there was an interest and a need to organize a task force rather than a committee that will represent Garfield County in Economic Development. One area is the possible future development at the Rifle Airport. The County is losing out in this respect. Therefore, he suggested to select key people in the various communities to get together and discuss the potential or advertise for volunteers.

Discussion included the former Economic Development Office and some possible funds of approximately \$40,000 left over when it was disbanded.

Chuck was requested to inquire with the Chamber of Commerce and other sources to see if he could determine if these funds were available.

It was also suggested to place a notice in the newspaper for anyone interested and/or contact key individuals in the various towns and cities within the County and they would probably suggest others who would be interested.

Commissioner McCown commented that when inquiries are made about Economic Growth potentials, requests are hampered by the town itself and when they get requests and this doesn't fit into their plan, these requests are round-filed and not referred to anyone else in the County.

The Committee was to be referred to as - Task Force to Study Economic Growth in Garfield County.

Chuck was given the following names as suggestions to contact:

Tom Beard, Klaus Schattleitner, Don Vanderhoof, Gerri Newell, Tom Jankovsky, Jim Latrell, Eric Williams, Steve Rippy and Judy Hayward.

The Board wanted all areas represented as well as a cross-section of the economics in this area such as agricultural, business, industries, and mining.

Chuck commented he would call a few people and have them come in during the Board meeting on the regular agenda and define goals and receive input from this core group.

### ***Fairgrounds Agreement***

A motion was made by Commissioner Martin to authorize the Chair to sign a Fairground Agreement for use of the South Hall on January 19, 1998 for the Antique Silver Nickel Auction at 5:00 P.M. Commissioner McCown seconded; motion carried.

### ***CCI***

Mildred asked if the Commissioners had received anything regarding CCI's voting to oppose the Clerk's Hire Bill. The Clerks proposal was to charge another \$1.00 that would come into the County for the work they do for the State. CCI opposed it because they thought it was being taken out of HUTF and it is not.

Mildred stated she would try to get something before the Board that indicates their support for the Clerk Hire Bill and charging another \$1.00. There are also a couple other Bills before them that will raise the fee on titles and raise the Clerk's Hire Fees as there is so much State work being done that is not be paid for. The same money is going to the States and the Clerk's office is doing the work.

### ***Tickler File***

Mildred submitted a list of various things to do that occurred during the Board of Commissioner's meetings that was an outcome of doing the minutes and seeing these requests being made. She commented this could be given to Chuck.

#### **Discussion**

Chuck indicated this would help him as a lot of times after wading through the minutes he will see something that has slipped through the cracks and not be done.

The Board agreed it was a good idea and could be used during staff meetings as well.

### ***Invitation to Retirement Party for Bob Moston - Feb. 10th***

Chairman Smith mentioned there was an invitation to a retirement party for Bob Moston on January 29 at the Two River's Convention in Grand Junction. Commissioner Martin stated he would represent the Board.

Chairman Smith suggested getting a retirement card and having everyone sign it.

### **JAIL DISCUSSION**

Sheriff Dalessandri, Dale Hancock, Chuck Deschenes, Don DeFord and Doyle McGinley were present.

### ***Jail Count***

Total in jail: 107; 36 main jail; 40 Work Release; 8 females; 16 other jails; 6 Home Detention; no Day Reporting; 1 State Hospital; 4 DOC.

### ***Memo - Heating System***

Tom reported on the assessment from All Seasons Heating and Cooling.

#### **Discussion**

Chuck will talk to Rich again and see which one he identified. This is a serviceable issue and will require short term remedy of a cleaning and adjustment.

Commissioner McCown expressed his concern for some safety measures.

Chuck and the Sheriff will work on this together.

For long term, some duct work re-routing will occur in the Spring.

### ***Update - Potential Escape at the Jail***

Tom reported that this was determined to a bona fide conspiracy that was revealed during the investigation. It did turn out to be more than just a rumor or a joke. The prisoner has been transferred to another jail until being sentenced in March. The intent was to use a weapon to

overpower the deputy. All the players have been identified and names submitted to the District Attorney.

### ***Discussion - Model Traffic Code***

Commissioner McCown mentioned they were interesting in pursuing the model traffic code. Time has been scheduled on the Agenda on January 26 at 1:30 P.M. with King and the Sheriff to discuss further. Portable scales, cooperation with the Sheriff's Deputies and State Patrol will be explored. State Patrolman Eshelman will help train.

### ***CGIS Plan - Montrose, Tuesday, January 13***

Chairman Smith gave to a copy to Sheriff Dalessandri.

### ***Community Operations***

Dale Hancock reported on the outcome of last Thursday's Jail Over Crowding Meeting held at 7:00 A.M. He said that Judge Ossola and Judge Zerbi attended and it was a real positive meeting. The judges gave their input and some ground work was laid for the future. Discussion centered around the judges' principles on bond schedules; reducing some bonds which would reduce the jail population; chronic failure to appear types of offenders; and diversion of cases both on the District and County level.

### ***Jail Ministry***

Tom introduced Pastor Daryl Reeves from Crystal River Baptist Church. Pastor Reeves has been volunteering on a regular basis at the jail twice a week for over 1 1/2 years.

Pastor Reeves mentioned the services have helped the inmates with attitudes. There are a lot of negatives and some pointing the finger but he has also seen a lot turn around. The services are held in the day room. They turn the TV off which causes some comment. They are held at 8:30 P.M. Sunday night for the men and Monday afternoon for the females. The attendance ranges from 13 to as low as 1.

Tom stated he has had inquiries from other Pastors in the area however Pastor Reeves is the only regular one.

Tom commented thus far he has not had a request for any alternative services.

Tom added that he certainly appreciates Pastor Reeves' service and commitment.

For the main jail population, Tom said that unless a request is made, no one comes.

Steve Inselmo, Chaplain at the Rifle Correctional Facility has also offered to be available.

### ***Executive Session - Current Jail Litigation and Requirement of Changing City Zones***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of an Executive Session; carried.

### ***Feb. 2 - Workshop 2:45 P.M. - Land Use***

Don stated that Herb Cline, Attorney for Mr. Considine wants to come before the Board and make some comments about land use he feels the Board should consider. Don informed Mr. Cline that it should be County wide proposed resolutions. He commented the Board could look at those and if interested they would probably refer these to the Planning Commission. A workshop was set for February 2 at 2:45 P.M.

#### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

John Mix presented the Board with an issue involving the Colorado West Mental Health claiming they had violated the client confidentially with him which was a breach of contract. He added this was done without his written consent. For five months he has been trying to resolve the issue and thus far has not heard from Mike Lucid. The breach involves Mike Lucid and Renae Brown.

Therefore, he was asking the Commissioners to hold up any further funding until this was resolved.

Chairman Smith stated that every Board has a grievance policy and asked if he has tried to handle the complaint this way. She also commented that the State Board that licenses counselors may be of some help.

Further discussion.

Chairman Smith stated for John Mix to write out a letter stating he has a complaint against Colorado West Mental Health and the Board can follow up on their end.

John Mix indicated that he does not want to go to court over this, he does want compensation.

John Mix submitted a letter to the Board of his complaint.

#### COUNTY BUSINESS - BUILDING AND PLANNING REPORT

Mark Bean presented his report which consisted of the current planning activities for January 1998 and activity summary for the month of December 1997.

He mentioned the worksessions of the Planning Commission were continuing and were scheduled for New Castle, Silt, and Rifle.

Mark provided a year-end summary of the Building and Planning Activity:

1997 - 399 building permits versus 418 in 1996 and 366 in 1995

1997 - 289 residential with 86 manufactured homes/136 stick built in 1997;

95 manufactured homes/176 stick built in 1996; and

64 manufactured homes/139 stick built in 1995.

1997 - 24 commercial building permits in 1997; 22 in 1996; and 38 in 1995.

Valuations -

Residential - 1997 - \$35,620,620.05

1996 - \$33,577,363.72

1995 - \$21,616,652.67

Commercial- 1997 - \$3,093,773.09

1996 - \$1,788,424.81

1995 - \$3,366,393.96

Building Permits -

Residential - 1997 - \$388,195.08

1996 - \$387,698.72

1995 - \$198,740.42

Commercial - 1997 - \$25,676.33

1996 - \$23,764.41

1995 - \$28,940.42

#### ***Code Enforcement***

Jim Leuthueser has been working with Steve on some code enforcements that need to go to court.

#### ***Pre-payment of Taxes - Oil and Gas Industries***

Mark commented that Dennis Stranger suggested something the Board may want to explore which is to have the oil and gas industry pre-pay taxes for several years in advance.

Discussion was held.

Commissioner McCown commented that for the \$3,000 fee to have Dennis Stranger complete a full study of the pros and cons that it may be very well-spend funds.

No decision was made however and Commissioner McCown asked to have this discussed further at the January 26, 1998 meeting.

#### ***Planning Commission Committee Members***

The Planning Commission has three positions available held by Jim Snyder, Herb Nelson and Nancy Smith.

Jim Snyder did not want to be re-appointed; Herb and Nancy will accept re-appointments. Chuck stated he will advertise for one vacant position.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to appoint Herb Nelson, regular and Nancy Smith, alternate as Planning Commission Members; carried.

***Eubanks - Amend Zoning***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer the Eubanks application to amend the zoning to the Planning Commissioner for their February meeting; carried.

***Resolution - O'Neal - Denial of Kennel Special Use Permit***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the denial of a Kennel Special Use Permit Application for Monte and Linda O'Neal; carried.

***Alert - Nitrate Contamination of Wells***

Mark mentioned that the Board should be made aware of a letter faxed to his department last week by Culligan Water alerting them to the possibility of nitrate contamination in wells. Mark added that the State Health has been involved but they have no direct jurisdiction over drinking water.

Chuck was directed to alert Mary Meisner, Public Health Nurse of this possibility.

**DEPARTMENT HEADS**

***Dale Hancock - Community Operations***

Dale commented that last week the Board made a motion for the approval of a conditional license for New Castle Ambulance Service and Rifle Fire Protection District - Ambulance. Since the conditional approval, the two entities have complied with the paperwork necessary and he submitted the regular license for the Chair to sign.

Commissioner Martin so moved. Chairman Smith stepped down as Chair to second; carried.

***Telecommunication Advisory Commission***

Dale stated at the last Telecommunication Advisory Commission meeting he was instructed to get an RFP from Bonnie Pehl-Peterson on the permit. She is coming in at 2:00 P.M. and could address the Board at 1:30 under Comments From Citizens Not on the Agenda.

***Pat McCarty - Extension***

*Master Gardener Program* has 24 in the program and he invited the Commissioners to come and sit in on one of the sessions. He added they have 14 volunteers to utilize with 7 being from Eagle.

***Horse Classic - Western Stock Show***

Carol has been spending time in Denver for the Horse Classic at the Western Stock Show. He added this event involves a lot of Counties and States, not just Colorado.

***Education and Information Programs***

Pat stated there are a lot of education and information programs put together over the next 3 - 4 months. The main one for January is in helping Willa Holgate inform people of the HRM class to be held here. He's been working with Gary on a Pesticide Trainer Applicator as well as a Weed Awareness Day; additionally, a Landowner and Acreage Basics with Dennis Davidson and other County Agencies.

Chairman Smith commented that she liked to see this joint effort.

PRESENTATION: CHEMICAL DEPENDENCY TASK FORCE - MICHAEL LUCID OF COLORADO WEST REGIONAL MENTAL HEALTH CENTER

Michael Lucid of Colorado West Regional Mental Health Center stated groups have gotten together in the last several years to try and deal with their need for a local resource for a detox facility. In 1989 a group was able to lobby the city government of Aspen and Pitkin County to support the development of a local detox facility. In 1994 another group got together as they felt the service provided wasn't adequate. Folks from Colorado West and Law Enforcement as well as the hospital and Director of Human Services got together and wrote a position paper that identified the need for a 24 hours secured detox facility in Aspen.

Chairman Smith clarified that in 1989 or 90 this was not funded full time.

Mike indicated they still do not have a full time detox in Aspen. It is a goal that has been set for the future.

In 1995 the Aspen Institute developed a task force in community form called "Health Care Task Force." As they were gathering the data from the report, the number one health related issue was substance abuse and the number one issue for health care was access to insurance which is a financing issue. In turn, this task force reached out to the group formed essentially to deal with detox and pulled them into the process and they ended up writing that portion of their report. As a result of this experience, the group has tried to expand its mission and viewpoint. Business community folks have been pulled in, as well as the ski community, hospital personnel, human service groups and various individuals.

Chairman Smith asked if ADAD was involved.

Mike responded, they are involved to an extent that they provide resources for substance abuse care for indigent folks in our area. The group now has focused, besides the detox, with the broader substance abuse issue. One of their major goal is to try to influence the values expressed in our community around substance abuse. Right now they are trying to put together a game plan and a method to do this that will be effective. He feels many times people have become desensitized to this issue and consequently automatically accept. As far as our young people, the average age of 13 1/2 is the first time of being drunk in our community. Another surprising fact is that on Hwy. 82 beginning in the early evening hours, 5% to 15% of the drivers are intoxicated.

Basically, Michael stated he is here for information sharing. Communication a very important issue.

Chairman Smith suggested they put in ADAD in the list of State Agencies.

***John Mix Letter - Complaint against Colorado West Mental Health***

Chairman Smith gave a copy of John Mix's letter of complaint to Michael Lucid stating the Board had received this complaint and would like a response on it.

***Letter of Thanks - Jackie Needham - Retirement Party***

Chuck was directed to write a letter of thanks to Jackie Needham.

VACATION OF OLD COUNTY ROAD 238 - SLAUGHTER GULCH ROAD

Eric McCafferty and Don DeFord were present.

Don stated the matter came before the Board some time ago and he has received deeds from Whittington and Maves that contain the legal description as prepared by Sam Phelps. The necessary transfer of property is at hand so the County will end up with the right-of way of where the road actually is located. He submitted a diagram that depicts the old existing road and stated that now the old road needs to be vacated and commented the resolution also accepts the deeds as the new public right-of-way. Now what needs to be done is to accept the old right-of-way; vacate the old right-of-way; and the old right-of-way then goes to the adjoining land owners. Because they are the only property owners involved in the vacation, they are also under the statute and the

only ones that have to receive notice, therefore this is not a noticed meeting today since they are already aware of it. The Chair needs to be authorized to sign a Resolution vacating the old portion of County Road 238 pursuant to the form of Resolution as well as accept the dedication of the new right-of-way in the form of deeds from Maves and Whittingtons that are in front of the Board.

The Board must do the filing.

Commissioner McCown moved the Chair be authorized to sign a Resolution concerned with vacating portions of existing traveled road and road right-of-way otherwise known as portions of County road 238 and acceptance of new public road right-of-way; also the quit claim deeds involving David W. and Maxine J. Maves and Valton D. and Toni L. Whittington. Commissioner Martin seconded; carried.

Discussion was held on the identification of the road.

King is to sign the newly constructed road as well as mark the private driveway.

### ***Pitkin County - Joint Meeting with Board of Commissioners***

Chuck indicated he had received a call from Pitkin County wanted to have a joint meeting to discuss common issues such as transportation and land use.

Chuck was instructed to follow up, obtain a date in February and advise the Board.

### ***Airport Board Appointments***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to re-appoint Al Arnold, Don Currie and Barry Hamilton. Their terms run until 12/31/2001. Motion carried.

CONTINUED PUBLIC MEETING: SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 2 MILES EAST OF SILT ALONG COUNTY ROAD 214. APPLICANTS: DEL AND TONI WHITTINGTON

Eric McCafferty, Don DeFord, Chuck Deschenes and Del Whittington were present.

Don suggested to include within the application, the quit claim deeds accepted by the Board.

Eric presented that this was a continued public meeting for an exemption from the definition of subdivision for an 8.62 acre parcel located approximately two miles east of Silt along County Road 214.

The applicants propose to subdivide, by exemption, the tract into two parcels of 6.62 and 2.0 acres each.

Eric informed Mr. Whittington that the vacation of old County Road 238 did just occur.

Eric stated the following recommendations were to be considered in the approval of the application.

### ***Recommendations:***

If, in the Board's discretion, the relocation of County Road 238 creates an impediment to joint use, then staff recommends APPROVAL of the application, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation ditches, access, utilities, etc.

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one year from the original date of approval.

That the applicant shall submit \$200.00 in School Site Acquisition Fees, for the creation of the exemption parcel, prior to authorization of an exemption plat.

That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.

That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD System.

That all proposed lots shall comply with the Garfield County Zoning Resolution 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted by Garfield County.

Prior to final approval the Division of Water Resources shall issue the appropriate well permit, the well shall be drilled and pump-tested for a duration of four hours and an opinion from the person conducting the pump test must be submitted stating the well is capable of supplying adequate water for the proposed uses. If the existing well is to be shared among the lots in the exemption, a well-sharing declaration must also be submitted for review and recordation. All information shall be submitted to the Planning Department for review.

The applicant shall consult with the Road and Bridge Department and shall receive any required driveway permits, prior to final approval.

That the following plat notes shall be included on the exemption plat: "The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five percent."

"The individual lot owners shall be responsible for the control of noxious weeds."

"One dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"There shall be no more exemptions from the definition of subdivision allowed on either parcel created by this approval."

Soil conditions on the site may require engineered building foundations and may require engineered septic systems."

"Buildings on Lot #2 of this exemption plat are required to have an engineering evaluation relative to the on-site drainage channel. If a flood hazard is found to exist then an engineered foundation design must be submitted at the time of building permit application. All foundations shall be designed to withstand the hydrodynamic, hydrostatic and buoyant forces associated with a 100 year flood flow event emanating from the upstream drainage basin."

Eric submitted a written change to a plat note (included above in the recommendations)

Del is in disagreement with Eric on this requirement of paying a school site impact fee. And asked why is he having to pay a school site impact fee.

Del also stated he wanted to avoid a lot of engineering costs and since he has been a builder for many years, he will be committed to doing it right. He voiced his concern of property owners having a lot of unnecessary requirements when it comes to their property.

Chairman Smith clarified this was also for newcomers coming in and not being aware of the history of certain areas that are prone to drainage problems and soil conditions.

Del again expressed his opposition to people not being able to think for themselves. We have to have someone monitor us for our own safety. He added, concerning the water - they delivered a check and the permit is pending approval of the subdivision. West Divide Water is a non-refundable amount of \$300 and \$400. Del stated if the well does not provide the water needed, (his well tested at 15 gals per minute) then they would each buy water from West Divide Water. Chairman Smith - asked about the - is there a well sharing agreement?

Eric stated yes it was and it allows them to provide the division of water resources before final plat review. Condition No. 8 covers this.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve an exemption from the definition of subdivision for Del and Toni Whittington with recommendations and modifications (as indicated above) by the staff; carried.

Del stated he appreciated the Board. He added he has run across a lot of people that feel this County has gone too far with too many regulations. He really supports the family and requested that the Board consider placing some stipulations for a minimum 2 acre plot of ground that can be given to their children and that it stay within the family. He understands this has been abused in the past and now Commissioners have stated none outside of a 35 acre plot. This has hurt a lot of families. He asked the Board to consider again thinking about this.

Eric commented that he agrees with Del and there could be deeper restrictions however, well permits and proof of a legal and physical supply of water are critical to approval.

Chairman Smith indicated this was a controversial issue dealing with well permits. Whether or not the department of water resources will issue a well permit is the main problem.

#### ROAD AND BRIDGE DISCUSSION

King Lloyd, Chuck Deschenes and Don DeFord were present.

#### ***Bureau of Land Management - Landfill Patent***

Mike Motice presented a few "prizes" to the Board in appreciation for taking over ownership of the Landfill at Anvil Points originally owned by BLM.

The Patent No. 05-98-0036 was presented dated December 19, 1997 for the Landfill at Anvil Points. He stated it has really been a pleasure working with Garfield County over the years for managing this Landfill prior to purchasing it. He noted it was a "state of the arts." BLM is committed to being available for whatever Garfield needs for the Landfill.

#### ***Letter to the Editor - Squatters on Public Lands***

Mike Motice from BLM presented a letter he had written to the editor in response to recent requests from Eagle and Garfield Counties for comments about subdivision proposals to clarify his position on a recommendation that BLM's been making the last few months regarding temporary housing for construction workers during the construction phase. He added BLM has gone over from 50 to 100 Subdivision Proposals per year mostly from Garfield and Eagle Counties. BLM has determined to alert the Planning Commission and the Commissioners to a problem - "transient or squatter problem on public lands." Mike stated he had identified a concern with the number of squatters residing on BLM lands. 80 different sites in the resource area have been used at least part-time and a lot of those a significant amount of time by residential campers. These uses of public land reduce the already limited number of camping sites available for recreational camping, pose litter and sanitation problems, and create an enforcement workload that diverts BLM employees from doing other jobs, like installing signs, providing visitor patrols and performing campground maintenance.

He summarized that BLM has asked developers to be required to provide space for temporary camping facilities at the construction site or at commercial campgrounds. However, if seasonal

employees are compensated with fair wages, then it should not be the responsibility of the employer to further compensate their employees by providing housing. This winter or spring, Mike stated, BLM will be asking for public comments on two proposals to address the residential camping issue. One proposal would limit camping stays during the summer months to 7 days instead of the current 14 day limit, another would prohibit residential camping altogether.

#### ***Snowplow Truck - Damage***

King reported a snowplow was ran into by a vehicle this morning near the fabrication shop across from the cemetery. No one was hurt. The sander needed to be repaired and consequently was late getting the CMC road plowed.

#### ***Letter of Appreciation***

Chairman Smith stated she had received a letter of appreciation from Mary Denrie for the good job on CR 317 - the Beaver Creek Road - and stated Mary felt this should be the standard for everything the County does.

#### ***Signage on County Road 238***

Chairman Smith directed King to put signs on the new County Road 238 and a "private driveway" on the former right-of-way to avoid trespassers.

#### ***State Bridge Inspectors Report***

King commented that he had received the report and the Main Elk bridge approximately 8.5 miles Northwest of New Castle came in as needing weight restrictions due to age. The signs have been ordered and will indicate 24 tons on tandem axle, 39 tons on tractor trailers. The typical weight limit for non-posted bridge would be 27 ton and instead of 39 tons it would 42.5 tons.

Chairman Smith suggested for King to place a notice in the paper informing the public of the reasons for the weight restrictions.

King said the State requires that this be done immediately; however he estimated about three weeks before the sign would be ready.

#### ***Bridge Act Sunset***

King mentioned the Bridge Act had sunset. He doubted that it would be reenacted in any form because others would rather the funds be refunded in terms of highway users.

#### ***County Road 109***

Louis Meyer, Larry Green and King Lloyd were present. King stated he had made contacts with Sam Phelps the County Surveyor and he is familiarizing himself with those prior notes and documents regarding legal and field investigating for recorded easements all the way to County Road 108. As soon as Sam is caught up on this, Sam, Don DeFord, Louis Meyer and he will be getting together and talking about the necessary right-of-way that is needed.

Larry asked if there would be some right-of-way necessary to acquire before construction.

King stated there would be where the road is located versus where the road is presently recorded in some instances; it's in two different locations.

Larry stated that Louis is in the process of designing some of that road now so he asked if King could keep in close touch so that there is a coordinating of effort.

#### ***Design Build - County Road 109***

Discussion was held as to whether or not Schmueser, Gordon, Meyer would be the engineer on the entire County Road 109 design build - the County as well as Aspen Glen.

Chairman Smith stated she thought it was in the preliminary plan and suggested research be done to find out if this was in writing.

Larry Green remembered that it was in writing but he didn't know if it was a preliminary plan.

Chuck stated we still need to work out the details.

King added he felt this would come out of his budget.

Larry stated he would pull all this stuff out as Louis was working on it trying to get the ditch design done so Aspen Glen can get that going.

Commissioner Martin commented that Teller Springs drainage would need to be watched as well. Louis added they were aware of the settlement problem that's there and they would make sure it didn't happen.

#### COMMENTS FROM CITIZENS NOT ON THE AGENDA

Bonnie Pehl-Peterson and Greg Sander, the new local supervisor since May of 1997 for U. S. West for Garfield County, Aspen, and the Aspen area. Dale had asked for them to stop in as Bonnie would be meeting with the Telecommunication Council Advisory this afternoon. They were basically here to learn what this council will be looking at and what are their concerns to be discussed at the telecommunications meeting.

Chairman Smith mentioned capacity was one of the concerns.

Commissioner Martin added to make sure there was a network; to be able to expand their business; and to use it as a come-on to this area to expand. This would also cover new businesses coming into the area and the move from T-1 to T-3 and getting access and switching capacities. Dale stated there is also a good cross representation from legal to communications to the local Rufintug providers.

Commissioner Martin indicated that Rifle is more prepared for expansion over Carbondale and Glenwood Springs because of the revamping of oil shale simply because it was placed on the back burner.

Bonnie Pehl-Peterson indicated in this area there was a good technology infrastructure that very few communities have in this State.

Commissioner McCown indicated that there have been some businesses that were unable to relocate here because of the lines not being available.

Bonnie stated typically there will be a time line and a necessity for planning no matter where the business is located.

Bonnie indicated what questions are asked of them today, if they do not have the answers, then they will find out and get back to the council.

Greg mentioned there are some problems with the custom switching here but they should have that resolved by the end of this first quarter.

Chairman Smith asked where they were Statewide because in calling the front range it is common to be told all circuits are busy.

Bonnie indicated that each call goes through a series of switches to get to a location and they have had some problems in Denver.

Greg suggested to call him and let him know of these problems and they will try to locate it.

#### ***County Road 117 - Nelson - Mitigating Damage***

Don DeFord and King presented that a letter had been received on mitigating the damage regarding road construction on Mr. Nelson's property during County Road 117 construction. An executive session was requested to discuss this as a claim.

#### ***Executive Session - Nelson***

Commissioner Martin moved to go into an Executive Session. Commissioner McCown seconded; carried.

Commissioner McCown moved to come out of Executive Session. Commissioner Martin seconded; carried.

#### ***Action Taken - Nelson***

A motion was made by Commissioner McCown and seconded by Commissioner Martin that Don draft a letter for the Chair's signature indicating that the Board would allow MG Landscaping to

perform the work but that we would only allow the amount of the affected area that the true survey indicated was damaged. Chairman Smith stated at \$3.96 per sq. ft. Commissioner McCown clarified that this would be at their price of \$3.96. Commissioner Martin agreed. Motion carried.

CONTINUED CONSIDERATION: FINAL PLAT DOCUMENTS FOR OAK MEADOWS FILING FOR BEAVER COURT

Don DeFord, Bob Pennington, Engineer for the Project of Gamba and Associates and Attorney Larry Green were present and commented this has been before the Board on a number of occasions while waiting for the State's response for a site permit application to change the processing and the size of the Oak Meadows Waste Water Treatment Facility. Since the last appearance before this Board, they received a letter from Tom Bennett, who is the man from the State Health and Environment and who will respond to the permit request. He referenced the 10/22/97 letter sent to the Planning Department where Tom asked additional information. There are two different levels of information: one was a financial structure and how that facility would be paid for and Bob Delaney responded to that on 11/3/97; and the other aspect was that Bennett sought additional information on some engineering information. Bob replied to that by letter dated 11/12/97. It has now been another 60 days since they responded and still no response. Bob talked with Tom Bennett on 12/30/97 and apparently Mr. Bennett told Bob that he would do his best to get a response to the permit application to use by the end of last week, but Larry stated they haven't received anything yet. So, they are expecting something any day now and until they get a response, their hands are tied and need to ask for a continuance.

Don DeFord asked, after a response is received from the Department of Health and Environment, what kind of a time-frame would the Board be looking at to accomplish what has to be done? Larry commented they either have to construct the facility or post a letter of credit before recording the agreement; then Beaver Meadows becomes final; those lots become salable; and then they can move forward. He indicated discussions had been held with Don and Mark regarding obtaining preliminary approval for a revision to the remainder to the Oak Meadows Development and have been working with a planner and are therefore essentially ready to go with the preparation of that preliminary plan application. The documents from the State is the first step.

Larry asked for another 45 day extension.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to continue this until March 2, 1998 at 2:00 P.M.; carried.

PUBLIC MEETING: SUBDIVISION EXEMPTION LOCATED IN THE SWEETWATER AREA ALONG COUNTY ROAD 151. APPLICANTS: THOMAS AND IRENE ROBERTS

Eric McCafferty, Don DeFord and Thomas Roberts were present.

Don determined that notification was adequate and the Commissioners were entitled to proceed. Eric stated this is an exemption from the definition of subdivision for Tom and Irene Roberts on a 75 plus/minus acre tract of land located approximately 8 miles west of the intersection of Sweetwater Road and the Colorado River Road in extreme, eastern Garfield County. The applicants propose to subdivide, by exemption, the 75 acre tract into two parcels of approximately 22 and 53 acres each. The smaller parcel would contain the existing improvements and the larger parcel would presumably be developed with a single family dwelling.

Recommendation:

If, in the Board's discretion, the relocation of County Road 151 creates an impediment to joint use, then staff recommends APPROVAL of the application, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation ditches, access, utilities, etc.

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one year from the original date of approval.

That the applicant shall submit \$200.00 in School Site Acquisition Fees, for the creation of the exemption parcel., prior to authorization of an exemption plat.

That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.

That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD System.

That all proposed lots shall comply with the Garfield County Zoning Resolution 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted by Garfield County.

That the following plat notes shall be included on the exemption plat:

"The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five percent."

"The individual lot owners shall be responsible for the control of noxious weeds."

"One dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"Soil conditions on the site will require engineered building foundations and may required engineered septic systems."

Chairman Smith inquired if Mr. Roberts owned another parcel.

Tom Roberts stated he did but it was not included in this parcel.

Chairman Smith questioned about fire protection and was he aware of the distance from Gypsum, the nearest fire protection source. She suggested he look into having a dry hydrant put in the pond as well.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve an exemption for the definition of subdivision on the parcel of land located 8 miles West of Sweetwater Road and the Colorado River Road in extreme eastern Garfield County, on County Road 151, being two parcels, 22 acres and 53 acres with the recommendation of staff on page 4 and 5; carried.

***Minutes - Approval***

Commissioner Martin made a motion and Commissioner McCown seconded to approve the following Board of County Commissioners Minutes:  
Special Meeting for Budget on September 22, 1997; Continued Meeting - Budget Workshop on October 21, 1997; Continued Meeting - Budget Hearings - December 16, 1997 and a Continued Meeting held on December 17, 1997; carried.

CONTINUED PUBLIC MEETING: SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 4 MILES NORTHEAST OF CARBONDALE ALONG COUNTY ROAD 103.  
APPLICANT: SANDRA SMITH

Eric McCafferty, Don DeFord and Bob Emerson, representing Sandy Smith, were present. Eric submitted a report which included the Board will recall this petition was continued to allow the petitioner time to consider the status of the preliminarily approved Cedar Ridge Farms Subdivision. Staff has discussed the subdivision with Bob Emerson, counsel for the petitioner, who has represented the petitioner's desire to proceed with the subdivision.

Section 4.34 of the Garfield County Subdivision Regulations of 1984, as amended, requires that a subdivision preliminary plan approval is valid for one year from the date of the Board's approval, unless an extension of not more than one year is granted by the Board, prior to expiration of the original time period. Although technically the subdivision approval has expired, no formal disposition has been taken regarding the status of the Cedar Ridge Farms subdivision, since the time of approval of the preliminary plan.

Therefore, if the applicant intends to proceed with the Subdivision, a formally noticed public hearing must be convened, consistent with Section 4.31 of the Subdivision Regulations. Upon conclusion of this hearing, the Board must decide to grant an extension to the preliminary plan or to rescind the approval.

Eric stated he and Bob had discussed this and at this juncture he did not see any significant reason why it could not go forward. If it is to be extended, it will need to be done in a public hearing.

Don added this will need a date certain for a continuance.

Bob stated there were no significant changes to be made, if so it would be very minimal.

Chairman Smith - stated it would require notification.

A date was set for February 17, 1998 - 4:30 P.M.

A motion was made by Commissioner McCown to schedule the Public Hearing on February 17, at 4:30 P.M. for the Cedar Ridge Farms. Commissioner Martin seconded; carried.

#### ***Exemption - Sandra Smith***

A motion was made by Commissioner Martin to continue the exemption for Sandra Smith on March 2, 1997 at 2:30 P.M.; carried.

#### ***City Zoning Process - C-2 Site Specific***

Don stated he needed direction relating to the discussion held earlier where Commissioner McCown recommended that we go back to site specific and pursue down zoning from C-3 to C-2 on the UPL property and include the parking lot across the street putting it in the Special Use Permitting C-2 as it will show consistencies.

Don clarified the Board was seeking to change UPL to C-2 which will basically put it into a Special Use Permit status for all uses by the County. Don reiterated there are risks.

Chairman Smith asked if there was a possibility of making this more generic by asking C-2 by "Use by Right?"

Don indicated then we would be changing the zone district.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to proceed with the zoning change from C-3 to C-2 on the UPL property; carried.

#### ***Evaluations - Personnel - Executive Session***

A motion was made by Commissioner McCown to go into an Executive Session to evaluate personnel. Commissioner Martin seconded; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A HOME OCCUPATION AND ARTS/CRAFTS STUDIO LOCATED AT 0648 COUNTY ROAD 126. APPLICANT: JIM MAHAN

Mark Bean, Don DeFord and Jim Mahan were present.

Don determined that notification was adequate and timely and the Board was entitled to proceed. Chairman Smith swore in the speakers.

Mark submitted the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information and Staff Comment; and Exhibit E - a letter received 1/12/98 from Mr. Meisner.

Chairman Smith admitted Exhibits A - E into the record.

Mark stated this is a Conditional Use Permit to allow a home occupation and studio for the conduct of arts and crafts for James Mahan on a 20.0 acre parcel of land located approximately five miles south of Glenwood Springs, off of County Road 126.

The applicant is proposing to develop a barn into an office for his water company, an art studio, gym, storage and garage.

Mark submitted Exhibit F - and read a letter from Dr. Thomas A. Switzer stating his opinion on the Conditional Use Permit into the record. Mark stated Dr. Switzer is not an adjoining property owner but is opposed to the approval.

Chairman Smith inquired as to the date on the Copeland Concrete Bill.

Mark stated 10/6/97 and 10/13/97.

Mark further stated that this was a hearing in response to a violation of putting in an ISDS without a permit which called the violation to the attention of Steve Hackett, the Codes Enforcement Officer. Building and Planning have a policy of allowing the violator to correct the violation(s) through the appropriate permitting process or remove it.

Jim Mahan indicated that he lives in Texas and is a resident of Texas four months of the year and that is where he makes his living. The Federal Government recognizes his Texas residency for income tax purposes. He indicated he has caretakers that live on his property when he is away. Jim stated he purchased the property originally from Elmer Claycomb.

Speakers:

Sharon Stephenson of 0430 126 Road commented she was a 23 year resident in the area and was concerned that there was someone living and sleeping in the barn on Jim's property. Trust has been broken by Mr. Mahan with his neighbors and he consistently shows a total disregard for his neighbors. Her main concern was the natural run-off that may affect her well as it was only 20 to 30 feet away. She and the other neighbors want to preserve the land.

Dennis Hines of 0897 Black Diamond Road commented he has never had an objection to Mr. Mahan fixing up his own house, however his concern was that he was doing this without the appropriate permits required by the County. Therefore, he was concerned that Mr. Mahan was showing that he didn't care what he does.

Kathy Harris of 0987 Black Diamond Road is a 22 year resident and was deeply concerned about the developments on the Mahan Property. She was in agreement with the comments made by Sharon and Dennis.

Chairman Smith agreed that there was a concern for the safety, welfare and health of all the neighbors.

Mark clarified questions of the neighbors that a licensed contractor was not required to put in the ISDS system but it was a requirement of the County to be checked by the Building and Planning Department. He therefore indicated the applicant would be required to provide a report from a

civil engineer based upon performing a percolation test as to the adequacy of the individual sewage disposal system to meet the sewage disposal needs of the structure and the report is to be submitted to the Building Department prior to the issuance of the Conditional Use Permit. A question was also asked about Mr. Mahan having a sign for his water company on the building. Chairman Smith responded the he may have a small sign.

Mark clarified the sales are limited to one of a kind and all items sold must be produced on the property.

The other buildings on the Mahan property in addition to the barn were discussed.

The neighbors indicated that more than one additional building was being used to house guests or rent out.

Mark stated Mr. Mahan will be limited to the uses that are legal. He was not aware of these specific uses as being discussed by the neighbors. If the Board approves of the Conditional Use Permit and if Mr. Mahan can meet the requirements, then it would be a violation of zoning if someone is living on the property. The courts could order and allow the Building Code and Permit Enforcement Office to investigate the alleged violation(s).

A motion was made to close the Public Hearing by Commissioner McCown and seconded by Commissioner Martin; carried.

Commissioner Martin commented that this was the subject of a lot of concern of his neighbors however he would like to protect the rights of those that have property and use it. But we have to follow the rules. If the Board grants this approval, and I make a motion to go ahead and approve the Conditional Use with the listed four different recommendations which are on the staff report. Also, understanding Mr. Mahan, you can only have the one rental, the one accessory, I can't say rental, accessory dwelling, if there is a violation of that you are subject to those kinds of violations and so prosecuted; but I will go ahead and make a motion with these approved conditions, recommendations by the staff.

Recommendations:

Approval of a Conditional Use Permit for a home occupation (office) and arts and crafts studio, subject to the following conditions of approval:

That the applicant provide a report from a civil engineer, based upon the engineer performing a percolation test, as to the adequacy of the individual sewage disposal system to meet the sewage disposal needs of the structure, for submittal to the Building Department for a permit, prior to the issuance of the Conditional Use permit.

That the applicant provide a stamped set of plans, prepared by a licensed architect or structural engineer, to the Building Department for the issuance of a building permit, prior to the issuance of the Conditional Use permit.

That the Conditional Use permit is only valid for the home occupation (office) and arts and drafts studio. Further that the building will not be used as an apartment or extra bedroom as noted in the application. The proposed gym may be allowed subject to the appropriate building permit issued.

All other representations of the applicant made in the application or verbally in the hearing, shall be considered conditions of approval, unless modified by the Board of County Commissioners.

Mark asked if Commissioner Martin's last statement is to be a condition of approval that only residential uses are allowed in a single family dwelling and accessory dwelling.

Commissioner McCown clarified it as one accessory dwelling.

Commissioner McCown commented to Mr. Mahan saying, before I second that motion I think it's only fair to echo John's concerns. Having been a law enforcement officer in the past, he was told by a wise old judge that "ignorance is no excuse for the law." I would suggest strongly before you do any further improvements or any future activity at your place that the appropriate permits be obtained through the County or those particular items will have to be removed.

Mark asked prior to seconding the motion, with respect to timing, normally they have 180 days to comply and would like to suggest that it be specific that all conditions of approval be completed within 180 days of approval.

Commissioner McCown suggested making this Item No. 6.

Don commented it is supposed to be reviewed in 6 months to verify compliance and this needs to be included as a condition.

Commissioner Martin amended his motion to include Condition No. 5 - one accessory dwelling and also to add Condition No. 6 - be reviewed in 6 months for compliance.

Commissioner McCown seconded the motion.

Chairman Smith stated she has a question of Don, we've got the couple of drawings in front of us on page 8 and page 9, are we approving these?

Don responded - no.

Mark added the Board is not approving them per se; number 3 basically says the Conditional Use permit is only valid for the home occupation (office) and arts and crafts studio. Further that the building will not be used as an apartment or extra bedroom as noted in the application. The proposed gym may be allowed subject to the appropriate building permit issued.

Chairman Smith - okay. Mr. Mahan, if you do anything else or you put the walls in the greenhouse or anything, you have to come back.

Mark added the proposed gym and the storage may be allowed.

Chairman Smith - but it all requires building permits before Mr. Mahan does anything else. I think your neighbors have some very legitimate concerns.

Commissioner McCown added that number 2 provides for a set of plans.

Mark - consistent with No. 3.

Commissioner McCown added, so we are not in any way approving those plans.

Mark - no we are just saying those are the uses being permitted and clarifying what those are.

Chairman Smith - so the home occupation is classed as an office for the water company.

Mark added home occupation (office) and arts and drafts studio. The property could be sold that way in theory.

Motion carried.

PUBLIC HEARING: ABATEMENTS - BONNIE AND LEAH WILLIAMS; MICHAEL NASTIUK; ABILITY CLAIMS OF GLENWOOD SPRINGS

Commissioner McCown made a motion to approve the following abatements due to the inability to locate the owners:

Bonnie and Leah Williams for \$170.31; Michael Nastiuk for \$25.24; and Ability Claims of Glenwood Springs for \$34.79.

Commissioner Martin seconded. Motion carried.

#### **BOARD OF HEALTH**

Mary Meisner and Margaret Long were present.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into the Board of Health; carried.

Mary Meisner thanked the Board for allowing her to meet with them today on short notice. She indicted she had met with Margaret Long and Wanda Berryman and was looking at restructuring the Public Health Department. She submitted an organization chart showing those changes. The chart included the Public Health Nursing County Wide; the Rifle Office; and Healthy Beginnings. Mary stated that Sandra Barnett would stay the Nurse Manager in the Glenwood Office; they would have three employees that provided County-side services; Wanda would remain as the Director of Health Beginnings; and Josie Estrada as her Administrative Assistant. The concept was putting Healthy Beginnings back into Public Health. Wanda feels good about it and it was actually Margaret Long's suggestion.

The Commissioners did not have a problem with this suggestion.  
Margaret Long stated she would remain as the President of Healthy Beginnings, Inc.  
Chairman Smith commented she sits on the Board.  
Commissioner McCown moved to approve the organizational chart regarding the Garfield County Public Health and Healthy Beginnings. Commissioner Martin seconded. Motion carried.  
Mary inquired if it would be okay to provide the Commissioners a condensed version of approximately 10 to 15 minutes on the various programs in Public Health giving one each month. The concept was approved as long as it was short.  
A motion was made to come out of the Board of Health by Commissioner McCown and seconded by Commissioner Martin; carried.

SOCIAL SERVICES

***Treasurer***

Georgia Chamberlain came before the Board stating that January 20, 1998, the Banking Agreement with Alpine Bank would expire and would like a motion to seek an extension of this agreement for one year with the option of extending it or renewing. No other bank has the resources to handle the amount of funds of the County.

Commissioner Martin made a motion to go ahead and authorize the Chair or Chair-Pro Tem to sign a Banking Agreement extension with Alpine Bank if the agreement is the same as it is now. Commissioner McCown seconded the motion; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn; carried.

Adjourn - 5:12 p.m.

Attest:

Chairman of the Board

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JANUARY 26, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, January 26, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John F. Martin present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR

*Hans Bleeker - Pitkin County*

Chuck reported that Hans Bleeker will be in Pitkin County on the 18 & 19 of February; the Commissioners from all the Counties are invited to attend. This is a two-day session but benefit can be obtained by participating one day.

Chairman Smith stated she would try to attend on the 18th.

Chairman Smith suggested that Mildred see if there was a possibility to reschedule the Personnel Committee Meeting for February.

*RFRHA - Sanders Ranch*

Chuck stated he had a call from the RFRHA Director looking for a copy of the Sanders Ranch Application.

Commissioner Martin stated he had a phone call from Glenwood Mayor Sam Skramstad and Carbondale Mayor Randy Vanderhurst asking for an opportunity to review the Sanders Ranch Proposal. These Cities wanted to provide comments. He added that he informed Sam the revised proposal had not been turned in to the Planning Department as yet.

***Jail Location***

Chuck mentioned that he had received favorable comments from Carbondale in support of the Glenwood Springs location for the Jail. A specific site was not discussed.

***Healthy Beginnings - Block Grant***

Chairman Smith indicated she had paperwork from the Department of Local Affairs that has been approved on the Community Development Block Grant. The Contract is for \$40,689 and this usually goes to Healthy Beginnings. This needs approval from the Chair.

Chuck indicated he would take a look at it as this could be a pass through to the Housing Authority instead of Healthy Beginnings.

***Housing Authority - Appointment - Larry Bogard***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to re-appoint Larry Bogard to the Garfield County Housing Authority Board; carried

***Bills and Payroll***

Chuck presented the bills and payroll for review by the Board.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the bills and payroll as presented; carried.

***County Business - Continued***

Meeker Meeting - BLM

Chuck stated there is a meeting in Meeker on BLM Roadless Inventory on January 22, 1998.

Commissioner Martin attended this and stated it was an entire agenda and not just Roadless. It covered everything from the 1069 bill (revenue sharing to the different areas) to the health of the forest. McInnis and Allard were there as well.

*Meeting with Pitkin County Board of Commissioners*

Chuck reported on the follow-up with Suzanne in Pitkin County and offered two alternative dates to meet with the Pitkin County Board of Commissioners. February 24 from 12 noon to 2:00 P.M. was designated as the date for this Workshop and sharing of information.

*Five County Meeting in Frisco*

Chairman Smith announced the Five County meeting in Frisco is to be held on February 10.

*Fixed Asset Deletion Sheets*

Chuck presented various fixed asset deletions sheets and explained that this was an effort to clean up items under \$500. It involved taking them off the regular inventory as there was no longer a requirement under the State to be capitalized. He said he will be ordering labels that identify this equipment as Property of Garfield County but would not required a number for inventory purposes. This list pertained to small equipment such as calculators, etc.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the fixed asset deletion; carried.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Don DeFord and Chuck Deschenes were present.

John Mix - Complaint against Colorado West Mental Health

John indicated that he had received a response from Michael Lucid, Colorado West Mental Health.

He added that the Release for Information was forwarded however, he refused to sign it and the reason was due to his distrust of Michael Lucid and concern that additional information would be added. This letter he received is the one he was supposed to have received in August of last year. John further indicated that the letter was written one day later than the required time period and wanted that noted as well.

John indicated his future action included going to the office of Federal Health and Human Services and State Board that regulates the Mental Health Agencies located in Denver.

Don indicated since John was pursuing this directly, and since Colorado Mental Health had responded directly to the request made of them, the Board of County Commissioners can actually do no more.

Chairman Smith agreed the Denver Federal office was the best place for John to pursue this complaint and thanked him for bringing this to the Board's attention.

*Request for Executive Sessions*

Don indicated that he needed one or several executive meetings today to cover a number of items: Sheriff on the current population issues in the jail and the on-going litigation with the City - the status and direction needed; and the Sheriff with brief investigation of the Model Traffic Code; and litigation of TeKeKi involving correspondence from George Allen for Nystrom - a proposed settlement to be kept confidential. Also on a personnel issue in Communications.

Commissioner McCown indicated the Communications Authority received the same letter regarding the Communications personnel issue however, no action was taken.

*CCI*

Chairman Smith stated she had a Memorandum of Understanding from Arapahoe County that deals with Social Services and she would discuss this when Margaret Long is on the agenda.

*Agricultural Committee Meeting*

Wednesday, January 28 at 7:30 A.M.

JAIL DISCUSSION

Sheriff Dalessandri, Dale Hancock, Don DeFord and Al Maggard were present.

### ***Jail Count:***

Total in Jail: 130. 41 main jail; 43 Work Release; 7 females; 26 other jails; 6 Home Detention; 6 DOC; 7 Workenders; no Day Reporting; and no State Hospital.

#### ***INS***

Tom stated he had a discussion with the INS and they are interested in locating two agents in the area and want some cells when the new jail is built. At the present time INS is attempting to find out if there is County support for the agents in this area. Mac Myers has indicated he could offer them desk space.

Tom added what he would recommend is trying to incorporate them in the Sheriff's office. Their staff could also be helpful in interviewing and translations. If the INS is nearby, the agents are sensitive to the jail space on a given day and that would impact the work they do. Tom added that he would be in favor of this.

#### ***Day Reporting - Electronic Reporting***

Dale commented this is a form of intensive supervision where the phone system is used as well as random paging and/or random calls to employers.

Tom added that due to the high numbers within the jail population, more offenders are being considered for Home Monitoring. He has been spending time with Guy to add another level of assurance such as voice tract, in addition to electronic bracelets, to provide a second check and balance. This costs 40 cents a phone call although it is inmate cost.

Dale indicated all of the ones being considered for this program are capable of paying.

Tom indicated this is contrary to the Courts, but Clear Creek is full for the first time and there is the possibility of the County having some of the DOC inmates back into our system.

Correction in the October 6, 1997 Minutes - should read Clear Creek not Cripple Creek.

#### ***Executive Session - Personnel Issue in Communications***

Don requested an Executive Session with the Sheriff to discuss a personnel issue in Communication and asked for the Sheriff, Chuck Deschenes and Jim Stevens to remain for the meeting.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss the personnel issue; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

#### ***Community Corrections***

##### ***Home Detention***

Dale Hancock reported on the follow-up letter Tom had sent on Home Detention; they have evaluated nine (9) so far on the risk needs that will be divided to go East and West some today. There will probably be about fifteen (15) by the time all is done. They have all scored out in that acceptable low-risk and low-need category, criminal histories have been run on all that are going out. There may be some other discussion from the Courts on this, but it is already done. These are coming out of the sentencing population and not the pre-trial population.

##### ***Soils Study***

Dale had a meeting with the School of Mines group last week regarding the quantification of soils study on the four sites and met with staff at the National Institute of Corrections in Boulder in order to combine the students with the staff in Boulder Corrections. Sam Schilling was the jail administrator with Larimer County Sheriff Department for 13 years prior to going with the NIC. Dale commented that the School of Mines is saying 6 weeks as of last week for the soils study report. He's hoping to hear something from them this week.

##### ***Possible Jail Site - Property Owners***

Dale asked for direction in regard to letting the four property owners know of the place the Commissioners are in respect to a decision.

The Board approved Dale to write a letter for the Board's signature stating at this time the Board is checking out all properties.

*Wulfshon Property - Geotechnical*

Commissioner Martin requested that Dale look into the Wulfshon Property geotechnical survey. We need to answer this question and move forward getting a jail built.

*CMI*

Dale stated that CMI will be before the Rifle Planning and Zoning Commissioner on Tuesday Night. Dale will be in attendance. Daryl will not be there, however Dale put Daryl in touch with a Boulder police office who could provide Daryl with all the service requirements; so Dale anticipates that Daryl will be providing staff comments to the P & Z.

***Community Corrections***

Al Maggard mentioned the next meeting would be Thursday, February 12, 1998 at noon at the Hotel Colorado.

The Community Corrections Association will be meeting all day on February 20, 1998 in Denver at the Cherry Creek Inn with the main thrust being the "chronically mental ill" and how it affects the jail population.

Al stated the Annual Meeting in May will be in Montrose and part of this will include a tour of the new jail facility as part of the program. All of the facilities will not be completed but the jail will be.

Dale stated they were supposed to occupy that new jail in November 97 but had some serious soils issues responsible for the delay.

COUNTY BUSINESS

*Airport*

Chuck commented he would like to add to Don's Executive Session subject the Airport and possible contractual litigation. He added that it is remote at this time.

*Newspaper Bids*

Chuck indicated there is a statutory requirement to put out the newspaper bid. He added that with new competition in the valley with the Glenwood Independent Newspaper, it's a good time to do it. Mike McBreen is working on this.

***Fire truck***

Chuck and Dale reported.

Dale stated they will be working with the Rifle Fire Department on outfitting the truck.

Chuck attended the Rifle Fire Protection Board meeting last Monday evening and two things were accomplished. Basically, even though the Agreement is not in writing, the fire truck is a go and Airport Authority felt confident enough that they are authorizing Fire Trucks West out of Parachute to do the retro-fit on the foam system. The second thing they agreed on was a target site for joint BLM/Fire District in the Airport Facility and hopefully sometime this week Chuck will be able to sit down with Mr. Howard as they did also agree that this site could be the fire station site for the industrial property. They said that if the PUD, after completed, would depend upon the density of the residential, however, they were unwilling to commit as to whether or not that station would cover all the residential. Chuck indicated that in the proposals, it is fairly low density residential.

***Memorandum on Road and Bridge - Radio System***

Chuck submitted the memorandum on road and bridge for the radio system proposal.

The Board indicated that one was received from Dale. This will be discussed at the 1:00 P.M. agenda time with King Lloyd.

***Earnest House - Historical for National Register***

Chairman Smith submitted for information purposes that the Earnest Ranch on County Road 117 is being considered on the Colorado Historical Preservation Review Board for nomination to the National Register. The meeting will be held on February 13.

### ***UPL Structure - Lift-Up House***

#### ***UPL***

Chuck mentioned he was not pursuing the UPL building repairs and suggested leaving it as is and not fixing the roof nor taking down any structures until further down the road.

#### ***Structure - Lift House***

Commissioner McCown stated the Board had directed that structure to go away January 1, 1998.

Commissioner Martin added it was to go away in December 1997.

Chuck asked what the Board wanted to do with it?

Commissioner Martin stated to bulldoze it down.

Chuck added it cannot be used for parking unless we pay to have it paved.

Commissioner McCown added that it was a public nuisance.

#### ***Discussion***

Chuck was directed to get the Lift-Up House and the back structure down and backfill the foundation (small cellar).

Commissioner McCown commented that Road and Bridge could probably do this and suggested to discuss it with King. If it isn't something King feels they can do at this time, Chuck is to do a Request for Proposals.

### ***Building and Planning***

Mark Bean reported he had spoken to Rich Grebbling with the Oil and Gas Industry and he likes the idea of trying to develop an impact fee type approach to the oil and gas drilling. What he would like the Board to do is to put a proposal together that would deal with oil and gas drilling activities. Mark commented to Rich that he would and see if there was a way of going through the traffic manual. He will see if there is anything proposed for the ADT's for these types of activities and come up with a number that would be acceptable to them.

Commissioner McCown added the oil and gas drilling industry would be far more receptive if they know what they are looking at going in. Rich's initial indication was that the Commission is thinking of requiring a road and bridge agreement in place before they permit a well. But he added he was sure that will not fly unless the industry knows what that road and bridge agreement is going to consist of. That's when the two of them came up with an impact fee with clearly defined numbers being a part of the County's Road and Bridge Agreement. This would require the Oil and Gas Industry to sign off before the Commission would permit the wells.

PUBLIC MEETING: FINAL PLAT - ASPEN GLEN WAPITI PARK AND THE LAKES.

APPLICANT: ASPEN GLEN GOLF COURSE

Mark Bean presented the final plat and requested the Chair to be authorized to sign.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Subdivision Improvement Agreement and the final plat for Aspen Glen Wapiti Park and the Lakes within the Aspen PUD; carried.

### ***Giomi Plat***

Don DeFord, Mark Bean and John Savage were present.

Mark submitted the Amended Plat for Giomi.

John Savage presented a complex situation where the existing lender has a lien on lot 2.

Everything has not been accomplished that is needed in order for the existing lender to sign off.

Don added, there is a requirement of the County to have the existing lender sign off.

John submitted a letter from Barnett Mortgage, an entitlement, which Don read into the record:

"Barnett Mortgage Company is currently processing a refinance loan for Gary and Joan Erpsteid. This loan will be secured by the property described as lot 2A of the Amended Giomi Minor Subdivision."

John indicated that Lot 2A is a newly created lot and has not been approved yet. He asked that the Board sign the plat, hold it, and not record it until the Title company says the funds are there to pay off the first deed of trust. He submitted the filing fee to record the plat.

Mildred was concerned there would be a blank space on the plat and it would need to be filled in prior to recording.

Discussion was held and final decision was made that Don DeFord and John Savage need to sit down and discuss this outside of a regular meeting with the Board.

#### ***Dakota Meadows Amended Plats - Two Plats***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign two plats for Dakota Meadows; carried.

#### ***Amended Final Plat - Sunlight Inn Exemption***

Mark explained that this involved the moving of some lot lines.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the amended final plat for the Sunlight Inn Exemption; carried.

#### ***Acknowledgment - Release Deed of Trust - Greenwald Irrevocable Trust***

Mark presented that the Homeowners Association was signature to this and the County took a piece of property as part of security for their water system to guarantee that if the water augmentation plan was not approved by the Courts for the West Divide Conservancy District in Four Mile, that the developer would then have land to built a pond on the adjoining piece of property. This would satisfy the Courts for augmentation purposes. The West Divide Plan is in place and the Homeowners Association has paid the amount of money. Mark indicated there was also cash in the amount of \$83,800 that needs to be released as well that was given to the County. He requested the Board authorize the Chair to sign this, as well as sign off the deed of trust if it becomes available before the next regular meeting.

Commissioner McCown so moved. Commissioner Martin seconded; carried.

A discussion was held regarding who should sign the deed of trust. Direction was given to Mark to discuss this with Don to make sure where and who signs the release.

#### ***Nieslanik - Special Use Permit***

Mark stated this was already granted but a Resolution had not been issued. The Nieslaniks have sold 100 acres of land where their resort is located. The new buyers of the resort would like this of record. Mark indicated when you buy a piece of land with a permit on it, it transfers to the new owner.

Chairman Smith inquired if the Special Use Permit for the resort went with the land when it was sold.

Mark stated yes it did.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to sign a Special Use Permit for the Nieslaniks.

Discussion

Chairman Smith asked whether or not there was a restriction if this property was sold that the new owners come back before the Board for a review.

Mark stated that the County does not have the authority to require this.

Commissioner McCown wants a change in the Special Use Permitting as an approval is based a lot on the credibility of the individual as far as qualifying.

Mark stated this should be a discussion and must be very careful in describing the conditions of approval to make it clear what can and can not be done.

***Resolution - Amendment for Fee Schedule***

Mark indicated he wanted to discuss this with the Board later today as he would like Don present during the discussion.

***Resolution - Conditional Use Permit - James Mahan***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a Conditional Use Permit for James Mahan or any subsequent owner of the property; carried.

Chairman Smith suggested that one more condition be placed as standard practice on Special and Conditional Use Permit - "this applies to this owner and any future owner."

Mark stated he would inform Eric and they will make this as a standard condition

***Resolution - Special Use Permit - Jo Ann Nichols (Smith and Company)***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with the approval of a Special Use Permit application for Joe Ann Nichols and Smith & Company; carried.

DEPARTMENT HEADS

***Extension***

***Silent Auction***

Carol McNeel presented a display showing leather chinks that are among the first contributions for their silent auction. Carol estimated their worth to be about \$750.

***Scales at the Fairground***

Carol stated she discussed the scales with Adrian Paul at the Stock Show and there is a possibility of this being included in some kind of a manual that must be approved for certification. She added that she will bring this up to the livestock committee and obtain their input as to waiting on the scales. Steers are to be weighed the first weekend of March but they will be weigh in at Carbondale and DeBeque and it might not be an issue in Rifle.

HUMAN SERVICES

Chuck Deschenes, Deb Stewart and Margaret Long were present. Deb presented handouts which included a calendar showing the reporting schedule for 1998; as well as a membership list showing additional members for the Commission; and the 1997-98 profile. This calendar will provide the Commissioners advance notice of what the topic will be for that particular month. Deb mentioned there were four openings on the Human Services Commission - one in School District 16; two openings for citizens representatives; and an open human service agency formerly filled by Hospice.

***Venture Funding***

Deb would like to discuss the possibility of setting aside some funds for "venture funds" which would be the difference between what has been set aside from the sales tax and the actual amount that comes in.

The Board stated that Chuck and Deb can work on this.

A motion was made by Commissioner McCown and seconded by Commissioner Martin that Kay Vasilakis and Mary Ann Watson be appointed for the two positions they applied for; and that a letter be sent out asking for volunteers in the citizens representative group and the open position in human services; carried.

Chuck will advertise for the two citizen positions.

SOCIAL SERVICES

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into the Board of Social Services; carried.

A motion was made to come out of the Board of Social Services by Commissioner Martin and seconded by Commissioner McCown; carried.

***Executive Session - Pending Litigation on the Jail with the City of Glenwood Springs***

A motion was made to go into an Executive Session by Commissioner McCown and seconded by Commissioner Martin with Don DeFord and Sheriff Dalessandri; carried.

A motion was made to come out of Executive Session by Commissioner McCown and seconded by Commissioner Martin; carried.

Don stated he would request a motion by the Board authorizing their filing a pleading in the litigation involved with the City of Glenwood in which we would join with the City of Glenwood Springs in requesting Judge DeVilbis refusal to hear the matter.

Commissioner Martin so moved and seconded by Commissioner McCown; carried.

**ROAD AND BRIDGE DISCUSSION - FEES AND ENFORCEMENT ON  
OVERSIZE/OVERWEIGHT VEHICLES**

King Lloyd, Sheriff Dalessandri, Jim Sears and Don DeFord were present.

***Model Traffic Code***

Don explained that he had discussed the Model Code with Jim Sears and the only one who has this presently in place is Larimer County. Douglas County has one as well, although Jim commented he did not talk to them.

Jim stated that Larimer County went to this due to receiving a grant for traffic enforcement. They hired two deputies to handle the case load; they issue approximately 300 tickets a month; prior to that they issued approximately 150 a month. The down side from the Sheriff was that the DA's office had an impact because they had to change the tickets from traffic infractions to offenses.

The DA's office had to staff a person to handle the increase load in the Courts and for their administrative requirements. Weld and Arapahoe Counties did a cost analysis and decided not to implement the model traffic code. Pitkin County does not have the model traffic code; Eagle is going to it due to vehicles that lack County registration, insurance and unlicensed drivers.

Jim Sears commented that last year the department issued a total of 282 tickets for the year.

Commissioner McCown inquired as to the cost involved.

Jim Sears responded that after the model traffic code is implemented, the infractions now become offenses and can go before a jury meaning a DA has to be available. Mac Meyers did not see that this would be a big problem with the amount of tickets the Sheriff does per year.

Chairman Smith asked if it was a possibility to obtain Arapahoe County's cost benefit study.

Chuck stated this surfaced due to the fact of overweight/oversize enforcement and unless we have the model traffic code in place there is little the County can do.

Commissioner McCown mentioned the fines incurred with overweight/oversize vehicles makes it cost effective very quick as opposed to a normal citation of a moving violation. These fines can be into the thousands of dollars and are based on a graduating scale.

Chuck reiterated that a permit system with no teeth is a waste of time.

Commissioner Martin stated he was in favor and wanted to go ahead with it.

Don added that Douglas County signed an agreement with the Courts to provide staffing and this was included as part of their costs.

Chuck indicated getting the Sheriff's staff trained in overweight/oversize enforcement would be essential.

Commissioner Martin added that this has already been offered.

Chairman Smith suggested Commissioner Martin obtain the offer in writing.

***Continued discussion***

Ron West, Marvin Stephens, Sheriff Dalessandri, Dale Hancock, Mark Bean and King Lloyd were present for the continued discussion.

King handed out compiled information and an agenda. He provided an update and a history of where we are today which he felt may be pertinent.

#### A. Initial Program

King stated this was established by Resolution 82-83 proposed and passed by the Board in April 5, 1982 primarily designed and implemented as a necessity for logging that was taking place upon the Four Mile Road that pretty much destroyed the Four Mile Road.

This Resolution was an attempt to mitigate the damages to the County Road. It goes into detail about requiring a bond, road fees that were set up associated with establishing the bond and issuing oversize/overweight permits with fees attributed.

#### B. 1990 - Update

The Board wanted to look at trying to come up with an additional or new system. Some public hearings were held and tried to adopt what C-DOT was using at that time. To summarize, the C-DOT system was a trip by trip system where cards were purchased by the truck drivers. After a series of public hearings, the Board decided not to adopt it. Therefore,

#### C. Was Adopted

This was taking Resolution 82-83 and tried to develop some forms that would work with this Resolution and process as well. Included in the packet, the application for extraordinary use of the County Right-of-Way, is sent to anyone primarily the gas industry that is considering drilling wells asking for specific information as to the location of the drilling, who some of the sub-contractors are, etc. Other items include the bond permits, power of attorney forms, certificate of insurance and the actual copy of the permit. Therefore, on a per-trip basis these are the forms submitted.

#### Item No. 2

The benefits of the permit system. King added the way he sees this functioning today is that it is a good method of tracking device for vehicles on County Roads. It characterizes traffic which aids Road and Bridge in maintenance and design considerations.

Investigation of road damage. Numerous times vehicles have tipped over and spilled loads on the County Roads and haven't come back and cleaned up. Sometimes there's been damage done to the Roads but also to personal property. With these weight permits it gives the department information as to who has been on the roads and who might be the responsible party.

#### Item No. 3

This will also be a good tool to aid the County Assessor in tracking rigs. Drilling rigs are licensed either in Mesa County or Vernal, Utah; sometimes if they spend a certain number of days in Garfield County, the tax can be assessed by our Assessor and paid to Garfield County.

King added that today with the system currently in place, we are relying on the Port-of-Entry personnel with their portable scales and State Patrol Hazmat team is the enforcement on our permit system. When we finally got this one in place, they were very cooperative in setting up spot checks but there are still some outlaws that refuse to get permits.

Chairman Smith asked if the vehicle doesn't have a permit, can the County keep them from driving on County Roads?

King answered yes, if the Port-of-Entry can detain them.

#### Discussion

King read into the record a document "County Commissioners and Traffic Regulations" - generally the State law governs the rules of the road and the specific powers of local authorities to expand on their substance. Under various statutes the Board of County Commissioners may by Resolution, regulate parking, prohibit processions, create one-way streets and roads, designate through roads, install stop signs, designate truck routes, establish rules for speed limits within the confines of the statutes and other local concerns as long as the unity of traffic laws and enforcement throughout the State are maintained. The Board may also enact ordinances to control and regulate. An advantage of traffic ordinances over traffic resolutions is that fines for

the Ordinance violations are paid to the County Treasury. This is different than the Model Traffic Code.

Don stated the Ordinances are County Power's Act and in the same section it authorizes the adoption of the Model Traffic Code.

King added that the Model Traffic Code is a book by itself.

Discussion was held.

King indicated the Fees by Resolution as shown in 82-83 need to be updated. We have specific fees established by this and a permit fee structure.

King went over the current amount of permit fees.

Chairman Smith inquired as to the road bond stating this covers all of them; but when you figuring mileage and fees then it doesn't begin to cover all of it.

King stated the fees need to be updated with more current figures. For some typical things, to give the Board an idea relative to the fee system, King submitted a December summary of the oversize/overweight report. Revenue at \$5 a permit they have collected \$17,770 for the year 1997. From 1992 to 1997, the revenues show a steady increase. In 1992 they had 1,698 permits and in 1997 they had 6,729.

King added he needs to know exactly what the Board wants to accomplish with these permit fees. If we go to an annual permit system, it could create an interesting situation. The handout showed the six top companies that purchase permits with Garfield County and the fees for 1997 were included. In the handout, the other pages showed a breakdown by all of the companies. If a company was purchasing the State Annual Permit, the dollar amounts would be a lot different. Commissioner McCown commented that he was in favor of buying scales but the Sheriff needs to be the enforcement.

Chairman Smith agreed.

Commissioner McCown asked Sheriff Dalessandri if he had the manpower to enforce if the system was in place.

Sheriff Dalessandri stated with pre-planning notice he felt he could. However, only the enforcement, not scales. Someone else needs to do the scales and they will write the ticket. Direction was given to King to come back before the Board with additional information and recommendations. This included obtaining additional information from other Counties who have fine schedules in place.

Additionally, King stated he had two other items he would like to discuss.

Commissioner McCown added that these permits affect livestock, concrete and everything that has to have a permit. So the fees should not be made so cost-prohibitive that companies will not buy them and attempt to circumvent the law creating more of an enforcement problem.

King commented that several years ago, a discussion was held which involved several kinds of permits the typical oversize/overweight and the extraordinary use of County Roads situation. He suggested this could be identified as i.e. 35 overweight loads going to set up one drill rig in the same day as opposed to someone needing to haul out one semi full of cattle.

The time set on the Agenda - 12:00 Noon - Feb. 2.

### ***Radio System***

Due to the absence of Chuck Deschenes, this item was held over until Feb. 2 for discussion.

#### COMMENTS FROM CITIZENS NOT ON THE AGENDA

Quarterhorse Association Members Michael Erion, Kay Baumgardener, Ruth Peyton and Fairgrounds Supervisor Lee Moss were present to discuss the Fairgrounds.

The first of three items Michael wanted to discuss was this: over the past couple of years, the Association has paid \$10,000 up front for use of the Fairgrounds; that pre-payment for use up-front originated when the funding for the Fairgrounds stopped. The Quarterhorse Association has

started a scholarship and therefore they would prefer to pay per event versus the lump sum of \$10,000 up front.

Chairman Smith informed them that Chuck Deschenes had gone home ill today and it would depend upon how he put this into the budget. Therefore, the Board could not give an answer today.

Item two - the covered arena. The Quarterhorse Association and the full Fairboard would unanimously urge the Commissioners to continue or pursue the covered arena. They see this as an asset and impact as far as some of the functions. Rain had a financial impact on a horse sale last year in which the Association lost \$9,000. Joe Clugston was the Council representative.

Item three - user fees for the Fairgrounds - who sets these?

Michael referenced the \$250,000 available now according to reporting at the meetings by Chuck. Michael commented that this would fund a good size arena.

Chairman Smith stated this year the Board was working on the drainage problem as this would need to be addressed first.

Commissioner McCown commented that Michael was leaving out his taxpayer hat when talking. If the lotto fund was to go away, there would be nothing to support the Fairground facilities.

Chairman Martin stated the drainage problem would be addressed first, then the next step would be to put down the foundation.

Commissioner McCown informed the Quarterhorse Association that the Board had accepted a site plan where the building will go. However, the old buildings need to go away before a new building can be erected.

Chairman Smith stated this was in the Plan but a time-frame has not been set.

Commissioner McCown added for them not to expect it this year.

### ***Road and Bridge continued***

#### *County Road 300*

King submitted photographs on this particular situation and clarified for the record that a complaint had been aired that a County motor grader had by-passed mud with his blade up. King stated this was a motor grader belonging to Barrett Oil. The mud was from trucks taking off their chains.

#### *County Road 109*

Don DeFord stated that he and King met with representatives from Aspen Glen and discussed County Road 109. Time on the Commissioner's Agenda over the lunch hour has been set for February 17 to include discussions on this issue and formulate preliminary engineering.

### GEORGIA CHAMBERLAIN - TREASURER SEMI-ANNUAL REPORT

Georgia Chamberlain handed out the Treasurer's Semi-Annual Report commenting that the annual financing statements being submitted to the Board was a requirement as well as the Board is required to publish it in the newspaper. Georgia added that she handles the publishing.

#### *School Acquisition Fund*

Georgia added that the Board was required to notify the School District a minimum of once a year of how much has been collected. The School District must submit a request to the County Administrator who informs the Treasurer to have these funds released.

Don added that during the discussions held with the Board of Commissioners and the School Districts Tuesday, January 13, one of the things they want to change is that future payments can be made directly to the School District.

A motion was made by Commissioner Martin to authorize the Treasurer to publish the semi-annual financial report in the newspaper as required. Commissioner McCown seconded; carried.

#### *Mobile Homes/Property*

Georgia submitted a list of the tax certificates held in the name of Garfield County. She stated that her office was cleaning up some tax sale certificates. When no one will buy the property at tax sales, the County ends up holding the tax sale certificates.

Mildred added this is one reason they stopped titling mobile homes in Garfield County.

Don added these end up as a liability to the County. Something has to be done with these and if the County holds title, then we have the responsibility to sell them for salvage. So we take the tax sale certificate and do not take title.

Commissioner McCown clarified that these mobile homes were scattered around the County.

Georgia commented that some of the Counties clear up these tax sale certificates by taking title to the property and then deed in over to the adjoining property owner.

The Board stated they would be interested and agreed Georgia should pursue this.

### ***Resolution Forest Reserve Money***

Georgia inquired if the Board had signed a Resolution for the distribution of the Forest Reserve Money.

Chairman Martin - indicated they had not.

Chuck is to draft this Resolution.

PUBLIC HEARING: LIQUOR LICENSE - TRAPPERS LAKE LODGE HOTEL & RESTAURANT, 3.2% BEER, OFF-PREMISE. APPLICANT: TIMOTHY DOLE

Mildred Alsdorf commented this was two applications and published as required in the Meeker Herald on January 9, 1998. One application is for a 3.2% Beer and the other is for a Hotel and Restaurant License. It is a transfer of ownership. She added the owners wanted to make the transfer now and add the 3.2% off premise due to a group for snowmobiling coming in. Timothy Dole is one of the owners and all they did was to change the Corporate name. Criminal histories and fingerprints ran with no problems noted.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the liquor licenses both 3.2% Beer - Off Premise and Hotel and Restaurant for the Trappers Lake Lodge; carried.

### ***Executive Session - TeKeKi - Nystrom Litigation***

Don DeFord, Sheriff Dalessandri, Mark Bean and Jim Sears were present for the discussion.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of Executive Session; carried.

Don stated he would like the Board to consider a motion directing that consideration of a proposal from the attorney's for the Aspen Crystal River Estates and TeKeKi - the majority property owners namely the Considines - be withdrawn from the agenda.

Commissioner McCown so moved. Commissioner Martin seconded.

Vote - Smith - aye; McCown - aye; Martin - aye.

Motion carried.

PUBLIC MEETING: CONSIDERATION OF REVOCATION OF AMENDED PLAT - LOTS 11 - 15, BLOCK 8, RIFLE VILLAGE SOUTH SUBDIVISION

Eric McCafferty, Mark Bean and Don DeFord were present.

Don stated the public meeting was set for review by the Board in order to determine if they have enough information and probable cause to set this for a Public Hearing to consider revocation of the amended plat - Lots 11 - 15 of Block 8 at Rifle Village South Subdivision.

Eric McCafferty issued a memorandum stating this issue is back before the Board pursuant to allegations raised concerning the fulfillment of approval conditions attached to the Floodplain

Special Use Permit approved for the subject lots. Steve Donovan, and other residents in the vicinity of the subject lots, have alleged that the completion of physical improvements to the site, in fact, were not consistent with engineering recommendations. These allegations notwithstanding, the engineer who proposed the development conditions has certified that all improvements have been completed consistent with his recommendations.

Eric further commented that interestingly, the conditional approval does not require engineered foundations.

These lots were subsequently developed with single family residences, the majority of which are manufactured housing units.

The problem is that prior to Bradley receiving the required approvals for development of the subject lots, he began work on the access. At this same time, the local weather entered a very wet cycle, which resulted in delaying construction and completion of improvements. Donovan is complaining that the improvements that Bradley has installed on the subject lots, specifically the roadway, has resulted in damage to Donovan's property.

In conjunction with these complaints, Donovan and others are arguing that the roadway and arroyo were improperly constructed and accepted as complete.

Eric submitted dozens of photographs which were provided along with various letters and reports in the contents of his memorandum.

In depth discussion was held:

Those present in addition to staff were Steve Donovan and his brother Jack Donovan, a construction contractor for 26 years. Steve stated he had hired an attorney and was pursuing this civility however, he added that Bradley's attorney responded to a letter Donovan's attorney had written with a letter stating "the County allowed Mr. Donovan to put his house too close to the road therefore it was the County at fault."

Therefore, he decided to come and discuss this with the Board.

Mark Bean indicated there was no indication of a road where one is now at the time of the building permit issued to Mr. Donovan, however there was an easement shown on the plat. To his knowledge no indication was ever given that Mr. Bradley intended to put a road - referred to as Shotgun Road.

Eric submitted copies of the original plat of the Rifle Village South stating this was platted in 1967 before the County Zoning Resolution on 1978. At the time of platting there was no access to the Northerly parcels and the access was created without the County's knowledge. Eric referenced Clerk & Recorder Book 558 page 238 showing an easement but the plat was never amended to actually shows this easement. It doesn't appear to be a right-of-way, however, in Book 558 page 238 it is called a public road dedication. It appears that when the amended plat was done for Lots 1 - 8 of Block 8 there was no dedication language on this plat.

Chairman Smith read "we hereby dedicate for public use the streets, alleys and utility easements that's here unplatted located and designated." This is on the original plat.

A motion was made by Commissioner Martin that recommended the County hire an independent engineer to verify the foundation relative to the conditions, all of these as shown on page 53.

Commissioner McCown stated he could not second the motion as we would be discrediting a licensed engineer.

He suggested Commissioner Martin put a maximum amount.

Commissioner Martin added a maximum of \$1500 to his motion.

Commissioner McCown seconded.

Chairman Smith stated before she decided if she was going to vote for this, she had a question of Don - is there someplace an individual can file a complaint about a licensing engineer?

Don stated yes there was, it would be the Engineering Licensing Authority.

Chairman Smith commented the only reason that she would vote for this is there are some concerns, she added that they were all real pointed when it came to this particular area stating that all recommendations be followed. She added the Board was told it was a Fort Collins engineer

and now a Grand Junction engineer is shown here. She further commented that we need to have information if these recommendations were followed or not.

Vote on the motion :

Smith - aye; Martin - aye; McCown - nay.

Chairman Smith - so we can put out a proposal - scope of work and RFP not to exceed \$1500.

Eric - point of clarification - there are still two lots out there that could be built upon. Based upon today, shall we hold that potential approval until after this question is decided?

Don commented you cannot stop the sale of the lots - the plat of the lots, building permits - we already have the engineered requirement for the foundation so absence of the demonstration of noncompliance, they are entitled to proceed.

Chairman Smith - it is very important to get someone on board as soon as possible.

Steve Donovan - what happens if this test is done and it is found that he did not put the liner in and do all that stuff. He has placed a house on that gulch today, what happens.

Commissioner McCown - it will be moved at his expense and the work will be done according to the performance; those were the initial conditions.

Steve Donovan - so I'm still back to going Civil?

Don - yes.

Commissioner Martin - we want to make sure it was done correctly.

Chairman Smith - put the RFP out as soon as possible.

#### AT&T WIRELESS - CELLULAR FOR THE COMMUNITY AWARD/GARFIELD YOUTH SERVICES

Garfield Youth Services Mary Jane Carneval and Craig Groudy with AT&T were present.

AT&T was to present the Community Award for the cellular phone.

The record reflects that he was here and this will be presented to them at Garfield Youth Services. (The Agenda was running an hour behind.)

#### PUBLIC MEETING: REVIEW OF KIMBALL MOUNTAIN LOGGING SPECIAL USE PERMIT. APPLICANT: COLORADO TIMBER AND COMPANY

Eric McCafferty, Don DeFord and King Lloyd were present.

Eric presented and stated the Board will recall this operation is located on the south side of Kimball Mountain, approximately 20 miles northwest of DeBeque, at the terminus of County Road 202. The applicant proposed the operation as a pilot project, to determine the feasibility of helicopter transport of the felled timber. The helicopter was proposed to remove the timber from the location it was felled and then transport it to a drop zone, where it would be loaded on trucks, for removal along County Road 202 and 204 and ultimately Interstate 70.

This logging project was conditionally approved on September 8, 1997, encompassing all of Section 7, T7S,R100W of the 6th P.M. An approval condition attached to the permit was a requirement that the applicant's forester monitor the operation and submit a progress report detailing compliance with the timber harvesting plan, as well as all conditions of approval, prior to applying to expand the operation.

The applicant submitted a Progress Report detailing the operation which addresses the various approval conditions.

Eric read these into the record and submitted in his written report.

Staff has not recently visited the site, however, staff has discussed the operation with the Road and Bridge Department, relative to the impact on County Roads. Road and Bridge has verbally confirmed that in early December apparently disgruntled loggers cut down elm trees along County Road 202 blocking the road. The Sheriff's Department investigated and confirmed that at least one tree had been felled and was eventually removed by Road and Bridge at a cost of \$800. Apparently other trees have been felled and are in the County right-of-way. Removal, when

complete, will likely be in excess of \$1000 and staff suggests the County tax-payer not be sent the bill.

The Sheriff's report was attached on the complaint.

King provided the cost for the removal of the trees for \$750 and recommended this should be paid by the applicant.

To date, the Planning Department is not aware of any other complaints regarding the operations. Eric stated he would request that the Board receive satisfactory answers to these concerns.

Discussion:

Gretchen Cross, Forestry Technician and Ken Roberts - one of the owners of Colorado Timber and Land Company discussed this with the Board.

December 3 is when this happened. Gretchen Cross the forestry technician commented that the infraction was 15 miles off site and she was not aware of this. Gretchen prepared her report. The last time she was on site was December 24. It is more than 15 miles from where they were logging.

Mr. Albertson filed the complaint and he thinks it was the timber workers.

Mr. Roberts stated he would pay the \$750 damage.

Chairman Smith asked if Mr. Roberts will be responsible for moving the timber out. The cost was figured to be at \$876 totally.

Mr. Roberts stated yes he would.

The Board stated this was a good report and would be looking forward to a report this Spring.

A student was present in the audience monitoring the Board of County Commissioners' Meeting.

Chairman Smith informed the student monitoring the meeting that this discussion entailed a timber cutting operation with the use of helicopters. It was the first in the County of its kind.

King was directed to get with Mr. Roberts and set a time to have the Cottonwood

removed. PUBLIC MEETING: CONDITIONAL USE PERMIT - MODIFICATION OF WESTERN ACADEMY. APPLICANT: BILL EVANS

Don DeFord, Mark Bean and Bill Evans were present.

Mark stated the request was originally presented to you in January at which time we set this date and basically the request is very simple. Mr. Evans has requested that he be allowed to expand the maximum number of the residence facility from 28 noted in the previous permit to a total of 32 which is also consistent for this engineering report in terms of the capacity of the individual disposal system. From the staff point of view they have no concerns. What it will require however is authorization of the Board to draw up a Resolution authorizing the expansion from 28 to 32 students.

Chairman Smith stated, and anything beyond that he'd have to come back in and go through the whole process.

Mark Bean - yes.

A motion was made by Commissioner McCown and Chairman Smith stepped down as Chair to second the motion for the Conditional Use Permit to increase the number from 28 to 32; carried.

DISCUSSION: PERSONNEL POLICY

Barbara Ramirez, Colette Barksdale, Margaret Long and Mildred Alsdorf were present for this discussion.

Don stated in connection with the transition of Social Services this seemed to his perspective to integrate the process of forming a new personnel policy at the same time. The Personnel Committee recommended that we proceed with the adoption of the updated of the personnel manual for the County and most of the elected officials aside from the County Commissioners want to proceed with these changes as well.

Mildred indicated there wasn't a quorum at the last personnel meeting but the consensus of all the others present was that we definitely need a new personnel policy as there are a lot of things missing that are mandatory any more.

Don's understanding and Barbara's too was that she contact Susan Owens to determine her availability to assist in drafting this policy.

Barbara handed out the cost estimates received from Susan Owens.

Don was to contact Kathy Greer and see what her availability was to give legal review of the document that Susan Owens produces. He has done that and we are at the point of having the Board decide whether or not to proceed with these advisors or others to start putting together a personnel code.

Don stated that Chairman Smith submitted to him today a memo from CCI showing that Schroeder is the lead from Arapahoe County on the transition of merit system employees to County staff. To date we are operating as an "at will County" in the broad sense of that term. The recommendation set forth in the memorandum applies to "at will Counties." There are a number of Counties in the State that do not operate as an "at will County," some of which have already transitioned. Arapahoe and Morgan Counties also have transitioned their staff effective the first of the year. A brief perusal of this tells him that there are some fundamental issues that would be appropriate to deal with in the revision of the Personnel Policies and should try and incorporate this at the same time.

Don indicated he had spoken with Kathy Greer and she is willing to participate from her legal perspective in reviewing the work.

Barbara contacted Susan Owens and handed out a packet for the Board's review. Her cost for the proposed work is a range \$3,520 - \$5,280.

Don indicated that Kathy Greer's cost is \$150 per hour for legal services - to review it after it was drafted.

Mildred indicated the Personnel Committee decided to put the Personnel Policy revision on hold and work on the Pay for Performance; and afterwards working for the updated Policies.

Barbara indicated that Lisa Cain had done a lot of work on the personnel policies and in obtaining other County policies. Susan has been forwarded all of this previous work.

Commissioner McCown indicated using this material as a resource for Susan may keep her price down to the \$3520.

Barbara indicated that the deadline is July 1st to have the new policies adopted.

Don indicated that July 1st was the time-frame passed in a motion by the Board to do the transition of Social Services.

Margaret commented that her concern is the time to get an orderly process and avoid bumps in the road.

Chairman Smith suggested we get started on it.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to proceed with Susan Owens and Kathy Greer; carried.

#### *Time-Frame*

Barbara indicated Susan needs an 8 - 12 week period and that she will call and advise Susan it has been approved.

Don indicated the new Personnel Policy would need to be sent to the State.

Susan will bring the revised Policies to the Personnel Committee and a series of meetings will be held.

Barbara will get back with a schedule of events.

Colette clarified the transition plan for Social Services.

Margaret requested when the transition plan was formulated that she be informed how her staff will be notified.

Personnel Committee Meeting change - February 25, 1998 versus February 18 at 1:00 P.M.

#### ***Rieger - Conditional Use Permit***

Eric McCafferty submitted a Conditional Use Permit for a Bed and Breakfast for Sharon and Hass Rieger located within an A/R/RD zoning in Silt. The applicants are proposing no more than 4 guests; wedding parties up to 25 people.

Eric commented that this can be referred to Planning Commission, held in a Public Meeting or it can be set for a Public Hearing.

Commissioner McCown asked if this has stemmed from a violation.

Eric responded yes.

The Board directed Eric to have this come before the Board in a Public Meeting.

CATTLE CREEK CROSSING - PUD - PLANNING COMMISSION REFERRED

Mark Bean, George Sanders, Eric McCafferty and Victoria Giannola were present.

Eric indicated that legal staff and the Planning Department have been determining completeness of this application. At this time Eric stated they have determined the application to be complete and requested the Board formerly refer the application to the Planning Commission for its review. Eric added the time-lines by the regulations give the Board 120 days from today to decide the matter. Therefore, he was recommending that the hearing date be set in compliance with this time frame.

Don DeFord indicated that May 26, 1998 is the last day to provide an answer and May 18 is the last regular meeting in May for the Board within the time frame.

Don recommended this be set for May 11 therefore leaving the Board until May 18 in case there were any recommendation or additional information needed. This would give the applicant time to get back to the Board; and it would allow the Board an extra week, until May 26 to defer a decision.

Chairman Smith indicated that both Carbondale and Glenwood Springs have contacted the Board and want to have an application to review and provide comments.

#### *Hearing Date Set*

Tuesday, May 12 - 1 PM. Public Hearing Cattle Creek PUD Application

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer the Cattle Creek PUD Application to the Planning Commission; carried.

Don commented subject to Eric 's suggestions now would be the time if the Board wanted to have separate engineering advice as this should be available to the Planning Commission. This would need to be designated.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to obtain an independent engineering firm to comment on this application; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to set May 12 at 1:00 P.M. for the Public Hearing for the Cattle Creek PUD Application; carried.

George Hanlon stated he was very appreciative of this Board in supporting his effort to bring it to at least a public hearing process. Thanks to Don, Eric, and all the planning staff and although he did not agree with all the comments; because of the process it ended up in producing a much better product. They handled it very professionally and gave him some insight in the process as well. It's just like anything when you can learn something and it's worthwhile; therefore, he thinks they did a great job.

Chairman Smith expressed thanks to George for the comments as the Planning staff does not always get those.

#### ***Executive Session - Personnel Issue in Planning and Housing Authority Litigation***

Commissioner McCown so moved and Commissioner Martin seconded; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

#### ***School Site Acquisition Fees***

Mark Bean reported that he and Don had discussed this at length and the School Board is requesting something other than \$200. The County Regulations very clearly allow us to accept something other than the \$200.

Don indicated that this is not actually true, the School District has asked for, but it is so much less than what our regulations actually require, therefore the development community thought this was fine. But we have no support in our regulations for a \$200 fee and he is not sure where we stand with the School District no longer requesting it and our regulations requiring something else. They are requesting more than the \$200 and the regulations require more.

#### Discussion

Chairman Smith added that we should have been requesting the site rather than the money. Can we just put the site requirement in there and let the School District do what they please.

Don added a site requirement can be put in there, but the problem will be with money, determining the size of the site because it still has to bear a proportionally relationship to the development. Don explained in detail giving the complications.

Mark added that at this point the School Districts do not have a uniform amount they are asking but they are looking at the same formula discussed with RE-1.

Don added that presently the School Districts know they need to tie this to a Capital Improvements Plan which identify sites and some actual figures.

Don indicated that our current regulations require a 5% of market value contribution.

Mark added this was the language in the statute in 1984 when the revisions were done to the Subdivision Regulations and the language has not been revised since then, although the statutes have been revised at least once if not more. So there is different language in the Statute but still gives the authority to request to require cash in lieu of land.

Chairman Smith suggested that if land is cheaper in Rifle, you are doing land use planning with the School District.

Don added to keep in mind that the idea was to acquire a site for a school. It has to be acquired in the School District of the subject. Therefore, this is the question - how does the Board want the Planning and Legal Staff to look at fees? A continuance can be made to collect the \$200 but we are going to receive some criticism from the School District. By statute, a mandate, the Board is required to acquire school sites.

Mark we can amend our existing regulations to have language included for site acquisition purposes consistent with the statutes as they are written right now. Our regulations are built on 1984 statutes and we need to bring them up to the 1998 statutes.

Chairman Smith mentioned that RE-1 has \$125,235 at the present time.

Mark added we have held all that money.

Chairman Smith \$81,576 for RE-2.

Don stated that our position for both districts has been that we will release the funds when they indemnify us for claims and they haven't been willing to do that.

Chairman Smith added we have paid out some to RE-1, \$8,424.

Mark stated we could also go in the direction that Georgia talked about this morning - the statute gives us the authority to have the districts paid directly and it takes it out of our responsibility to be the collection agency.

Don added the School District does the collection and then before final plat a statement would need to be submitted from the School District stating the fees had been paid or dedicated the land.

Mark commented the County is a pass-through at this point.

Don stated this would be easier for the School Districts because as it is now, they have to make representation as to how they are going to spend this money.

Mark indicated the staff is working on some changes to the Subdivision Regulations and if the Board would like, they could work on some language for this issue as well.

#### *Direction*

Mark was given the charge by the Board to proceed with the language of the School Site Acquisition issue. This would include language to allow the fees to be established by the School Districts basically and then create the mechanism through the Subdivision Regulations. He suggested that the County do similar to the Fire District. These Fire Districts are obligated to present to the Board their rationale nexus which is a report establishing the basis for their fees - Carbondale is the only one that has done this to date. We can establish a language for the School District that basically gives the Board the authority to accept, if the Board chooses, as a basis for establishing those fees.

Commissioner McCown asked if the County would be completely out of the loop then?

Don stated no.

#### ***Memorandum of City/County Maintenance on Roads***

Commissioner Martin inquired of Don how this was coming along.

Don stated he hadn't done this yet.

Chairman Smith added that Pitkin County is not having the Commissioners sign off on it, they are going to continue to do like they always have done. It will be with staff because they feel the staff is perfectly able to sign off on it.

Don stated that this was authorized by Resolution to sign all agreements for less than \$25,000 and that's how they do business.

#### ***Rose Ranch***

Don asked if the staff felt that anything was needed on the record.

Eric commented there was various accusations flying around and a lot of concern for various lawsuits.

Don commented he needs to advise of the County's position.

A motion was made by Commissioner McCown and seconded by Commissioner Martin regarding the Rose Ranch PUD Application and allow full participation of the entire Building and Planning Staff as needed for the sake of integrated planning within the County; carried.

#### ***Engineering Interviews***

Mark stated he will set up interview for the two parties for February 11. The Board will sit in on the interviews.

#### ***RFRHA***

Don stated that Commissioner Martin informed him they were having a special meeting on Friday in Room 402 of the Courthouse.

Commissioner Martin added it has to do with the Conservation Easement, also the history of who are the Rails to Trails Conservancy; how we feel it would impact us if we transfer ownership from Aspen Valley Land Trust to Rails to Trails Conservancy - it's a fact finding mission. They also feel the deal may or may not blow up right now with Representative McInnis' stand on his \$85 to \$87 million. They are also under a misconception that Scott is going to guarantee them 2 million dollars to buy out GoCo and this is a total misconception. What this amounts to is if they increased money up to \$87 million, he would do it if they remove the Conservation Easement and put it under local control only.

Don added he had a discussion with RFRHA attorney Mr. Noone. It started when Commissioner Martin asked him to take a look at the possibility of assessing RFRHA for payments in lieu of taxes because there is a statutory provision that may allow that. The first step in that process is to get the Assessor to give you the valuation for the property and the amount of taxes due had it been a tax of winning. The Assessor stated that based on the legal description they had, they couldn't assess the property. This was hard to understand because they didn't have any problem giving us a valuation before closing. We got payment of taxes incurred at time of closing so there is a description somewhere for that property that was adequate for the State to value it, but in any

event, Don called Mr. Noone to find out who in the Assessor's office he should talk to about getting the kind of legal description they wanted and in the process, Mr. Noone informed Don that they are moving along very rapidly on this questions of releasing the Conservation Easement. There are some issues with that and Don is not sure that this is intending to be done. One of those mechanisms could obligate this County to pay \$350,000.

Commissioner McCown understood the only risk the County had was if we were the dissenting vote on the Comprehensive Plan.

#### Discussion

Don will check into this. However, RFRHA is moving along on this issue. Even if there is to be a buy-out of this easement, the County can be assured they will look to the County for part of it or at least try to. Right now it is only \$1 million and their payment should be next July.

Commissioner McCown asked if the County's portion would stay at 19%.

Don added he thought it was 17%. They are pursuing the Rails to Trails Conservancy and he's not sure why they are trying to do this.

Commissioner Martin added this is a trigger for McInnis to say that if there is a transfer of ownership from Aspen Valley Land Trust to the outfit in Washington, D.C. there is no local control and he's out of the entire deal. It is to keep the Rails to Trails Conservancy, keep the Conservation Easement in place in perpetuity. McInnis has said that if you transfer it, he's out of the deal and will not support legislation for \$85 million.

Don clarified that Commissioner Martin was saying if they transfer from Aspen Valley Land Trust to them.

Commissioner Martin added that's the next step as Aspen Valley Land Trust is local, yet it has influence outside the area, which is Rails to Trails. McInnis said due to this influence, he wants this Conservation Easement removed. Russell George and Mr. Taylor and all the other folks said at this meeting - they want to lift that and Aspen Valley Land Trust did them a favor by holding it and is no longer in the picture.

Don stated he didn't think there was any way to do that unless somebody pays them for it.

Commissioner Martin agreed that there isn't and even if they do pay them they don't have to lift it. He added there is one way, if there is a lawsuit and a court order to remove it, yes it is possible but this is later on into the process.

Don was requested to sit in and see where this is going.

#### ***Harvey Gap***

Chairman Smith inquired about the non-renewing of the lease at Harvey Gap and commented that the legal notice she received implied there wasn't any government funds put into the farmer's irrigation. What happened to the \$49,999 the County put into it?

Don agreed that the County had paid something into it.

Chairman Smith asked where this leaves the County when they walk away. The County put this in to have it as a State Park. She added that the County was part of that Intergovernmental Agreement.

#### Direction

Don asked if Mildred would check on this commenting it would be the Irrigation District - State Parks in 1986.

Chairman Smith stated when she received the legal notice, she had a problem because the County did put money into this.

#### ***Direction to Re-Precinct***

Mildred Alsdorf stated she needed the Board to direct her to Re-Precinct and she had prepared a Resolution authorizing her to proceed. She informed the Board the way the Statute reads there can be 1500 active voters within the precinct. It also reads that this is the year if she wants to re-precinct and she must do so by the first of March, or she cannot re-precinct again until after November 2000.

Discussion

Mildred stated she needed to break Precinct 2, Precinct 4, Precinct 8, Precinct 12, Precinct 16 and Precinct 20. But between now and the year November 2000, we will have the growth. Now it is getting so big that it takes a long time at the Polling Places.

Commissioner Martin clarified that instead of 21 precincts, Mildred would have 25.

Mildred stated she had asked the Republicans and Democrats to meet with her and see what can be done with this. Lines would need to be changed on the precincts. She stated the Commissioner Districts were the boundary lines of the precincts and district boundaries have to stay the same this year, but they can be changed next year. Mildred explained how the line dividing these districts would have to be moved.

A motion was made by Commissioner McCown for the Chair to sign the Resolution and seconded Commissioner Martin to direct Mildred Alsdorf the County Clerk and Recorder to re-precinct the election precincts located in Garfield County for the election process; carried.

***Executive Session - Housing Authority Litigation***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

***County Road 114***

Commissioner Martin discussed the confrontation between the State Patrol, Sheriff's Office and Road and Bridge.

State Patrolman Captain Bitterman will come in and talk to the Board.

***Adjourn***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn; carried.

**Attest:**

**Chairman of the Board**

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**FEBRUARY 2, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, February 2, 1998 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

**BID AWARD - POLICE VEHICLES**

Chuck Deschenes, Mike McBreen and Jim Sears was present for the bid presentation.

Bidders:

Columbine Ford	1998 Crown Vic. 4 Dr. Sedan	19,290 ea	2 - \$ 38,580
	1998 Explorer 4x4 Wagon	24,399 ea	2 - 48,578
Glenwood Spgs Ford	1998 Crown Vic. 4 Dr. Sedan	19,213 ea.	2 - 38,427
	1998 Explorer 4x4 Wagon	24,401 ea.	2 - 48,803
Western Slope Auto	1998 Crown Vic. 4Dr. Sedan	19,691 ea.	2 - 39,382
	1998 Explorer 4x4 Wagon	24,228 ea.	2 - 50,456
Haines Chevrolet	1998 Blazer 4x4 Wagon	23,000 ea.	2 - 46,000
Burt Chevrolet	1998 Blazer 4x4 Wagon	22,783 ea.	2 - 45,565
Englewood			
Burt Arapahoe Ford	1998 Crown Vic. 4 Dr. Sedan	19,392 ea.	2 - 38,784
Englewood			

Mike made the recommendation to go with Haines Chevrolet for 4 of the 1998 Blazer 4x4 Wagon at \$23,000 ea.

Commissioner McCown commented he would rather have the taxpayers money stay in Garfield County and would prefer to go with the Haines Chevrolet bid for the few dollars more.

Chuck stated he would like Don DeFord to go over the bid before ordering of the additional two 4 x 4's was done. He asked the award be contingent upon Don's review.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Purchasing Agent to proceed with the purchase of the 1998 Blazer 4x4 Wagon at \$23,000 (2 - \$46,000) to 4. To order the 2 immediately at the bid price stated and hold off on the other 2 until Don DeFord reviews and the price determined; carried.

**PAYMENT OF BILLS**

Chuck submitted the bills and discussion was held.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the bills as presented; carried.

**COUNTY ADMINISTRATOR**

***Harvey Gap***

Mildred presented the Commissioners research on the Harvey Gap Reservoir showing the County put in \$50,000.

Chairman Smith suggested that a letter be sent that the County had put in \$50,000 tax dollars when they were working on the reservoir.

***Forest Service***

Chuck reported he had a copy of a letter from the Forest Service relating to an inspection by the Sunlight Users Group expressing some concerns about the color of the building and apparently that we had made some improvements. Chuck was not real positive what has occurred. Dale handled the electronic site supplies. He also commented that this information went to Jim Stevens.

Chairman Smith added that we were discussing doing some switching.

Commissioner McCown said the Forest Service wouldn't buy off on the changes we submitted. Commissioner Martin stated these proposed colors didn't meet their standards. He and Dale have met twice with the Forest Service.

Chuck stated he would provide a copy of the letter and will call Jim Stevens to try and get this resolved.

### ***Pitkin County - Search and Rescue Agreement with Sunlight***

Commissioner Martin recommended that this agreement be reviewed.

Chuck stated when the new director is on board then he could possibly research this issue. February 24, 1998 is the date the Board will be meeting with Pitkin County and this will be discussed at that time. Other topics will no doubt include: RFRHA, Planning Concerns, and General Review.

Chuck will request an agenda and he asked if the Board had some items to be discussed.

### ***Monthly Summaries***

Chuck indicated that he will try starting this month to get the Board a written summary on major projects as to what he was doing and his agenda. This will allow the Board to give Chuck input and the direction.

### ***Staff Meetings***

Chuck commented that he had one with appointed staff and plans to set up a regular meeting time and schedule. He plans to have one with the elected officials as well. He is limiting these to 1 1/2 hours; then work on an individual basis.

In Road and Bridge the priority is purchasing equipment.

Commissioner McCown indicated he would like to get going on the ordering of the trucks as soon as possible.

Chuck indicated he needed to get with Mike and King and work out the details. His goal is to have this completed by late February or early March. Some of the options include: outright purchase, lease, or with a guarantee buy-back program. In addition, as soon as he has an exact dollar amount he will talk with Matlosz and others interested to get a ballpark financing rate. Commissioner McCown's concern is not to delay on this issue and recommended Chuck do standard tires that make the operation simple. He expressed that he wants the system reviewed and changed. It is a waste of money to have to stock so many variations in tire sizes.

### ***Road and Bridge Assistant***

Chuck stated he will get a copy of the job description King has been working on and have Barbara in Personnel review.

### ***Governor's Meeting in Grand Junction***

Chairman Smith attended the meeting and reported the highway was a central focus. She made a point of advising them the County needs some funds for County roads.

### ***PA System***

Chuck stated he felt there was some value doing the Fairgrounds PA system.

Commissioner McCown agreed the concept of improving the system in the grand stands at the Fairgrounds was a good idea but not to the barns.

Discussion was held with recouping the cost of the potential new arena at the Fairgrounds.

The Quarterhorse Association made a point of not having this out-priced as Grand Junction has done.

Chuck indicated when fees were being structured, several wanted non-profit rates.

Commissioner McCown wants these rumors squelched however that he and Marian are behind the arena not being built.

Chuck said that Carol has a friend associated with Job Corp. and Chuck was pursuing this possibility of assistance. To date, nothing has been received back. Discussion included the prep work and possible demolition of the barns in the Fall of 1998.

### ***Minutes***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the following Board of County Commissioner Minutes:

Regular Meetings

August 4, 1997; August 18, 1997, October 6, 1997; January 5, 1998 and January 12, 1998.

Special Meetings

November 12, 1997 and January 6, 1998.

### ***Drug Confidant***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to appoint Barbara Ramirez as the ADA and Drug/Alcohol Confidant; carried.

### **JAIL DISCUSSION**

Sheriff Dalessandri, Don DeFord, Chuck Deschenes, Dale Hancock and Al Maggard were present.

### ***Jail Count***

Total in Jail: 133; 38 main jail; 36 Work Release; 28 other jails; 10 Home Detention; no Day Reporting; 12 females; and 8 Workenders; 7 of the ones in other jails are DOC; 37 pre-trial; 46 County sentenced.

Commissioner Martin requested a breakdown in jurisdiction in order to have an understanding where the population is coming from.

Dale stated he would be able to do this.

Once the execution takes place of the first female on death row tomorrow night, it will set precedent. Judges in the past have been more lenient on females but now they are not.

### ***Community Operations***

Dale Hancock reported that John White from the School of Mines in Golden is working this week in the area. The time period is more definite as to when reports will be ready on the geotechnical of the various sites for the Jail. Dale stated they should be ready in about 7 weeks.

### ***Snow Removal***

The current snow removal policy was reviewed. The Sheriff stated that he and King basically have an agreement that unless the roads are real dangerous, crews are not dispatched for sanding. County Road 117 and County Road 114 are the ones that get the most requests.

A suggestion was made of having another "winter meeting" to see how this is working.

### ***Guard Rail on County Road 114***

A request was made by Sheriff Dalessandri to have guard rails installed on the CMC Road. He added that 2 vehicles have gone off so far.

Chairman Smith suggested they do safety checks. California enforces safety checks; and Colorado enforces the Chain Law.

### ***Community Corrections***

Dale reported he and the Sheriff were meeting today at noon with the Judges regarding Home Detention options for about 20 inmates who rank low-risk.

### ***Workenders Program***

Dale reported this program is very successful. The problem is that due to its success one can't get on it until March 21st. A grant application was submitted and the idea was to get a van and a staff person. Once this was done then we could talk about no County funds being involved as it is a user paid fee. However, Dale was in favor of not waiting on the grant, due to the safety issues on home detention. It is great to have electronic surveillance but there is nothing to substitute for a person coming and knocking and saying "hi and how do you feel today" - on location - at the house, on the job or monitoring otherwise in community locations where they are supposed to be by their schedule. Dale reiterated a couple of things connected with this discussion: 1) the Sheriff has a van he will be putting out for bid soon and Dale would like the benefit of using the Sheriff's van for the Workender program leaving it in motor pool; 2) accessing some of his funds until the Workender program is up and running to pay the salary/benefits/operating costs of bringing in another community sentencing technician, and expanding this as well as doing the tracking function for the Home Monitoring people. The Sheriff has agreed he would be willing to do this for a period of time. Dale commented he was estimating generating about \$4,000 a month just from the Home Monitoring program. Chuck stated that he and Dale have discussed this option and he is in favor of trying it for a while. First off if we can do more Weekenders and Home Monitoring with these types of oversight/checking it will help overcrowding. Commissioner McCown - mentioned that this should be called a temporary position since the word "try" was being used. Chairman Smith - was in favor of a trial period.

Dale was advised to go ahead and advertise it as a full-time position.

Chuck clarified between temporary stating this would be a one year commitment only.

Dale added that the Workenders Program is in its second year and the Judges have favorable comments.

A motion was made by Commissioner Martin to have Dale proceed to advertise for a full-time sentencing technician with a one year commitment also using the Sheriff's vehicle for that program and working with the Sheriff with the whole sentencing process. Commissioner McCown seconded; carried.

### ***CMI - Update***

Dale reported that the Rifle Planning & Zoning turned down CMI's request in a 5 -2 vote. CMI will not challenge their decision and instead are going back to the drawing board to see where they may try again.

### ***Voice Tracking - Demonstration***

Al Maggard mentioned that at the very beginning of the meeting on February 12 at noon, a demonstration of the voice tracking system will be substantiated.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

### ***TeKeKi***

Chris Landry of 94 Wendt Blvd., Carbondale stated he was coming before the Board as a citizen and was not representing groups. He stated he was a County taxpayer interested in land use planning and serving on the comprehensive plan update advisory committee. He expressed concern about the long-standing mess of Aspen Crystal River and TeKeKi's dispersed growth. He listed the problems as: 1) physical issues related to dispersed growth and his concern that the County not subscribe to the concept that "growth creates new tax base." This is a burden and a

physical deficit. Battlement Mesa is real live example; 2) dispersed growth will continue to harm agricultural in the County. It takes relatively few new subdivisions to do damage to a lot of agricultural land; and 3) as someone who has worked about one year on the comprehensive plan for Carbondale, he was especially concerned Aspen Crystal River/TeKeKi subdivisions and their potential impact on Carbondale's aspirations to maintain a compact community that doesn't leapfrog across agricultural land.

Chris continued that he understands the long history and realizes a lot of people were sold a bill of goods and then abandoned by their Title Company. These people are clearly victims. The land has no central services, no water, no sewer, no one owns the roads or knows who should maintain. It's time to determine the people who were damaged in the first place and also those who have elected to become part of the problem more recently. This situation clearly needs some type of equitable solution that recognizes there are victims. What he would like is for the County Commissioners is to engage in this problem in a public way to review as policy the status of this subdivision. It's time to treat this crisis as a policy crisis and not just a technical issue which is left to staff to analysis and make rulings.

Commissioner Martin asked if Chris had made this same plea to Carbondale City Council.

Chris stated Carbondale was present and would speak to these issues.

Michael Hassig, Chairman of the Planning Commission in Carbondale stated that Randy Vanderhust will be before the Board at 1:30 with a letter from the Board of Trustees. He added that Chris Landry has been a viable part of the on-going comprehensive plan task force and there is an active citizen participatory group grappling with what Carbondale wants to become in the future and what is the vision of the citizens of this community. TeKeKi and Aspen Crystal River represent the great unknown. He stated they spent the better part of two years studying the River Valley Ranch Subdivision which is 565 dwelling units. Experts were hired very much like the Aspen Glen project. Michael added that he made some comments to the Carbondale Board of Trustees which are: 1) he thinks it's essential that the County Commissioners engage on this issue as it is not an issue that is right and wrong, black or white. It is long and entangled and has a highly problematic history that really few can be proud of but this is the time that the County Commissioners need to adopt leadership and say that we recognize that this is difficult and therefore it's our job to tackle it; and 2) appropriate publicly express this and go a step forward saying that until we work this out, we will declare a moratorium on the issuance of building permits in those subdivisions.

Mark and John Nieslanik of 0979 County Road 101, Carbondale addressed the agricultural issues on the East Mesa and stated they need a resolution. Once the land is sold out, these decisions cannot be made. Agricultural issues and Aspen Crystal River/TeKeKi are related. It's hard for the Nieslaniks to do any type of estate planning without a resolution to these issues. Mark added that he did attend the Carbondale Town meeting and expressed his concern of the domino effect and how it will affect the area.

John Nieslanik stated these issues has been a bother to him for 30 years. The individuals who purchased this property knew there was no access and it's been this way since 1962. Now they think we ought to let them through.

Commissioner Martin acknowledged that the history of this area is well known. There have been court cases, we've had legal advice and the Board is very aware of what's going on and what the responsibilities are and we will have to take these responsibilities very seriously and we need to answer these questions.

### ***Jerome Park Issue***

Mark Nieslanik and Bill Fales of 4239 County Road 133 were presenters.

Bill stated that this area shown on the map before the Board is 4073 acres and 3315 are in Pitkin and 1458 are in Garfield County which consisted of eight original ranchers.

The original intent was to preserve this as agricultural use and they have accomplished this. At present there are 16 homesites on the land.

Mark stated further that this planning project has been a very long strenuous in-depth program. Jane Ellen Hamilton from Pitkin County is here today and has been instrumental in helping prepare this. Basically the conservation easement/open space does work and here's a good plan they have put together and hope they can get it adopted and it will become reality. They are also here before the Board to see what their feelings are and realistically if there is any way they can help support this financially.

Bill Fales - commented he felt the Commissioners were familiar with the land. It goes from the top of Ski Sunlight clear over to Thompson Creek with Spring Gulch and Marion access roughly in the middle of it. The Board supported this when they came a year ago and asked for lateral support for a planning grant. At the present they are wrapping up that planning project. There's been a lot of work to get this far. 16 homesites have been planned and felt as landowners they wanted to contribute something so they took out two of the more valuable homesites which the Division of Wildlife was not happy with. All the sites were developed in cooperation with Kevin Wright as well as making sure that they wouldn't interfere with their agricultural operation. They are talking to neighbors, Sue Rogers, Moss Lake and himself. Mark Weston did an appraisal of the land and some values were given. Mark stated the value of the conservation easement is about \$5.3 million dollars. Under the land plan, it amounted to 166 houses placed on the grounds with all the associated impacts. They did not want that, so they came up with the 16 homesites. The Pitkin County Open Space Board has made a commitment to go forward with this and looking for some funding. Bill stated he went to the Town of Carbondale asking for \$10,000 and they agreed to contribute realizing the benefits to all the citizens of Carbondale. Sunlight Mountain Resort is a big support and has made a significant financial contribution. They will be going to Great Outdoors Colorado with a grant for acquisition money on February 13th and would like a letter of support from this Board. But it would be really nice if the Board could find some funds to support this. Due to the complicated ownership of this project, the money would not be taken until the year 2007 when they switch from a C Corporation to a Sub Chapter S Corporation. So in the next nine years they are hoping this Board will have some money available and make a commitment. Carbondale can find \$1000 each year in their budget without a lot of damage.

Bill added that this project does exactly what Garfield County wanted to do a few years ago, it's voluntary, it preserves agriculture, it helps wildlife and it is a win-win situation. These homesites are available and partly driven by the fact that no one had all the money to buy out all the development. These homesites will be restricted to 5 acres of impact right around the house and may sell them 35 acres so that it goes through the zoning and allows them to get a well permit easier, but there are restrictions on that land with 30 of the 35 acres being available to the association for continual agricultural use. This isn't a subdivision.

Commissioner McCown asked if this Board did contribute financially, then would the Board be shareholders?

Bill stated no one will be shareholders in the Corporation, the ownership of the land will not change. It's the purchase of the conservation easement and the association will own the land; this is similar to an easement for the utilities. There will be an easement recorded in the Clerk's office. It is a conservation easement and limits 14 houses to be built. The landowners will be the grantors of that easement and the grantees of that easement will be the Pitkin County Open Space Board as they are putting up 80 - 90 % of the money and the other grantee of the easement will be the Colorado Cattle Agricultural Land Trust which is a group the CCA founded a few years ago. The easement will spell out what's allowable and what's not.

Chairman Smith - commented the time frame gives the County time to budget at next cycle.

Chuck - commented that conceptually it is hard to argue against an Open Space Proposal but he has two areas of concern - first we are new to this and he wants to make sure that the County is

not setting any type of precedent and 2) we need to see that viable conservation easement and look at the wording of the legal to make sure the County is not getting into something they shouldn't.

Bill added they are working off a form that Colorado Cattlemen Agricultural Land Trust has developed which has been refined over and over. It shows an alternative for folks who want to stay in agricultural without selling out. The Association will manage the hunting.

Jane Ellen Hamilton - Director of the Open Space and Trails Program in Pitkin County added that she met with Kevin Riendun who's the District Ranger in the Sopris District and he is very enthusiastic about this project due to the impacts on BLM and Forest Service lands. Kevin is excited about getting the access through Marion Gulch permanent. As more and more people move into these river valleys, if they cut off access to the public, which they have gotten attached to, it affects hunters, hikers and equestrians. This is very important land and he is committed to trying to find money in his budget over the next nine years to assist in the project. He also liked the buffer concept of 14 homes versus 166 as this will help keep some of the impacts down on the forest service which is the grazing rights the ranches use.

Commissioner Martin made a motion to form a letter of support from Garfield County for this application for a grant from Garfield County. Commissioner McCown seconded; carried.

### ***Cattle Creek Crossing - PUD Review Concerns***

George Hanlon, Don DeFord and Eric McCafferty were present.

George stated he had received a list of mandatory review agencies that his group has to submit his PUD application to for review. He commented that he will try to abide by the rules and tried to work with the County in this process but the mandatory list gives him a great deal of concern. It is far reaching and giving certain municipalities and Counties the ability to review where they have no jurisdiction; where there's no intergovernmental agreement; where there's no legal requirement to do it; and their review is not necessarily within the public process. Therefore, number one he doesn't believe that sets a good precedent for Garfield County; and number two it doesn't really set a good precedent for the leadership of Garfield County. Unless there's an intergovernmental agreement that says they will reciprocate on the same basis for PUD's that affect our area, then he doesn't think it is right. He understands the need for concern but he believes that this County can manage, review and publicize for public input on projects. Why should his PUD suddenly receive special consideration and special review procedures that is not required of any other PUD. He added that one of Don's comments was that it is a regional project - well, this is a small valley and that argument could be made of everything. He voiced a major concern about this policy. So he is asking that the Board as Commissioners look at this policy before it's decided. He added that he didn't mind if an entity wanted to see a copy of the application. It is public information. If it is a municipality outside of the three miles then that request ought to be in writing and any comments they have should be reserved to the public process and only that. These comments should not be for staff in their review. That's the staff's responsibility, the P & Z's responsibility, and they make a recommendation to this Board.

Eric commented that he discussed this with Don DeFord. With all due respects to the Board of County Commissioners, it's his opinion that this type of administrative functions should not be this Board's responsibility. This should be in front of the Board of Adjustment. If his decision is aggrieved by any applicant in any matter, the case should not be in front of the Board of County Commissioners rather the Board of Adjustment. There is a process for that which keeps all of us out of trouble.

Chairman Smith asked Don if this was part of the Board of Adjustment's mandates?

Don explained the process. However, he mentioned he had discussions Friday with George Hanlon and John Schenk. In the past this determination has been up to staff to determine as to a PUD what agencies or entities were appropriate to send applications and ask for comments. There have been particular agencies in the past that the staff wanted to contact and get them to

review. The PUD regulations have no specific statements in them about what review agencies should receive copies, only that they can be tendered and sent out. This is part of the review of the staff and what Eric is referring to is that there is a provision both in the County's PUD regulations and zoning code that provides if an individual or entity feels aggrieved by a decision of the Planning Director then their remedy is to go to the Board of Adjustment on appeal. Don felt that Eric could explain why in this case these agencies should receive this document. Based upon Don's experience he said it was not the first time that the application has been sent to other agencies. It may be the first time in his experience that it has been sent to Pitkin County but far from the first time that other municipalities have been contacted for review. RFRHA is a governmental agency and not simply a landowner. RFRHA would be impacted as well as fire districts and the Aspen Glen Sanitation District.

Commissioner Martin commented that Eagle and Pitkin Counties are entities of RFRHA and they know that this application is forthcoming and being members of the RFRHA Board they may want to be as property holders as they are along the RFRHA border.

Eric explained why these agencies should receive the application and provide comments: RFRHA is a governmental agency and adjacent landowners and somehow this project is going to have to receive access over the rail line; secondly there's this whole notion of regionalized planning and a discussion is coming up at the Hotel Colorado on Thursday on this subject; and the most important point is that it is a regional project notwithstanding the 502 residential but commercial square footage of 700,000 and over his strenuous objections to Mr. Hanlon's planner, he's requested some type of a marketing analysis to justify that type of square footage in this application. Eric commented he wanted to make sure that type of square footage can be supported and by sending this out to additional agencies to get an idea of what they have in mind it will provide this County department a very good review process.

George Hanlon stated he has no objection to the review, it's the authority to review that he objects and their review should only be in the public domain in a public hearing. If you can't do your job in terms of evaluating the project from a staff's standpoint, then you've got a problem at the staff level. He added he is more than willing to go through the public process, but he repeated that this is wrong and a serious precedent that Garfield County is setting that anything that comes before them, there are going to send for review comments from every other agency and every other municipality up and down the valley.

Commissioner McCown asked Eric how this was being utilized - is it in the form of a written comments back to Building and Planning and presented to the Planning and Zoning?

Eric - all comments received will be included in the staff report that the Planning Commission and ultimately the Board would review. When Eric receives these he will summarize the comments taking out the high and low points and attach the entire letter or public comments to the staff report. If it is something that will allow the decision makers to review another point or something that we haven't brought up, then it can be utilized in that manner.

Commissioner McCown - then this also allows them to come and provide public comments at the hearing.

Chairman Smith - asked when Eric sends out these requests, are they asked for - do these other entities take it before their P & Z?

Eric - absolutely. The Soil Conservancy for instance, these reviews are done at their meeting. These agencies do not write and request applications, we have a review list of some 53 agencies.

Chairman Smith - thinks under State Statutes they are one of the agencies that make comments.

Don - under the Preliminary Plan for a Subdivision they are, but PUD is left to the local jurisdiction.

Eric - commented with the sole exception of Pitkin County, all these other agencies have requested verbally that they receive a review document.

Chairman Smith - added that the only reason she could see Pitkin County being notified is simply because of the rail corridor.

Commissioner Martin - RFRHA will review and make the comments and those on the Board will be contacted.

George Hanlon - again commented that he did not mean to be adversarial toward Eric and the staff, he wants a clear understand of the process and doesn't want to be singled out that he's having to go through a process that no one else has had to go through.

Chairman Smith added that the rail corridor does make this a more complicated issue than anyone so far dealt with.

George Hanlon asked then if everyone along that rail corridor would have to go through this same process.

Chairman Smith added that would probably be the case.

Don - noted that the Board has recently directed that staff undertake a process in taking over the access permitting for Hwy 82 and as noted for the Board this entails a comprehensive planning process for that access. This project will have significant impact on Hwy 82.

George Hanlon - added that he will provide copies.

Eric - a grand total of 43 copies need to be provided and this include 5 to the Board of County Commissioners.

George Hanlon - if this is situation, number one that their request be in writing and number 2 that their comments be in writing; then he will accept that and be receptive and cooperative. He feels the County is setting precedent that really should be considered. He stressed that this was outside the bounds that he has seen in the past and he was trying to understand why they're being given a right to review our project that is no where near their jurisdictional boundaries.

Eric - it is very important to point out that this PUD with its residential and commercial components is the new paradigm. So if this PUD is treated at a higher level by requesting information from those agencies who can provide valuable comments.....

Chairman Smith stated if these entities take the information they have the right to review and come in.

George commented that Eric was requesting response back and he's asking where is the opposition. We know when we go to DOW we're requesting a response back, when we go to a water conservancy district the same, but when you are going to Eagle County and requesting a response back, what is it that you are saying?

Eric - for comments if they want to; they don't have to.

George - added this is his point, if they want a copy he can understand them requesting a copy and receiving it and he will provide that, but requesting them to review is where he sees the problem - that's the issue.

Chairman Smith - stated that she understands, but this railroad corridor made a lot of difference in a lot of things that we have never had to look at before. Because everybody apparently is technically an owner.

George argued - if they are an adjacent property owner then they need a copy of the PUD, and they are requested to respond - is this what you are saying?

Eric yes, and added that if George would like he could set this up as a press release.

Chairman Smith agreed that he should make a press release to that effect. She directed Eric to put something together and bring it back and look at.

Commissioner Martin - and the objection that George made about the request, it should be in writing if they want to review it.

Commissioner McCown commented that George's point is that we are creating a precedent here where anyone that comes in with something of this nature is going to have to supply everybody in Garfield County a copy of the application if they submit an request; then if someone calls from Battlement Mesa and asks for a copy, he doesn't think that is fair. He didn't see why Pitkin County and Eagle County deserve anything outside the public process that the citizen in Battlement Mesa does.

Eric added it is due to the regional nature of this PUD.

Don - George is not the first one, we have sent copies of Rose Ranch, not to Pitkin County, but all other entities received copies, including RFRHA, that was an affected agency. We have sent copies both to Carbondale and Glenwood in that case. Aspen Glen - we did not send them to the two Counties but RFRHA did not exist, but to the railroad as it was did exist and they commented. Carbondale and Aspen did receive copies and were asked for their comments. So on substantial projects in this part of the valley, the record is that with the exception of Eagle and Pitkin Counties we have asked for this kind of review in the past.

George Hanlon - if this is the precedent then he doesn't mind living with it. Eagle and Pitkin ought not to be included and if you want to sent it to RFRHA fine. He wants to be treated the same as everyone else, that's all he's asking for.

Commissioner McCown agrees with George on Pitkin and Eagle.

#### ***Giomi Subdivision - Amended Plat***

John Savage, Don DeFord and Mark Bean were present.

John stated the refinancing is closed with the title company and as soon as the plat is recorded the money will be released to pay off the existing loan.

Don verified that he and John Savage had discussed this issue.

Commissioner McCown moved to amend the final plat and Chairman Smith stepped down as Chair to second that; carried.

#### COUNTY BUSINESS - EMPLOYEE OF THE MONTH

Steve Rippy and Chareen Stantz were present for the award.

Chareen Stranz was the employee of the month for February 1998.

#### DEPARTMENT HEADS

#### ***Executive Session - Legal Issues the Sheriff is Discussing with the Courts***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

#### CONTINUED ROAD AND BRIDGE DISCUSSION - FEES AND ENFORCEMENT ON OVERSIZE/OVERWEIGHT VEHICLES, RADIO DISCUSSION

King Lloyd, Ron West and Chuck Deschenes was present.

Resolution 82-83 was reviewed and a lengthy discussion was held with respect to road damage being caused by oil and gas drill rigs, overweight/oversized vehicles not obtaining permits, and the remedies necessary to repair the roads. These included adding a cost per well, increase permitting fees and bonding for road damage.

King stated there is a better cooperation now that we ever had with the oil and gas companies.

Commissioner McCown inquired if this was a cash bond or a letter of credit that's required.

King added that typically they get a bond or a letter of irrevocable credit.

Chuck asked if at this point we were just plugging it into the Resolution.

Chairman Smith stated yes.

Chuck mentioned since the Board wants to move this along rather quickly, under the per well cost function, should we go ahead and take the initiative and get these figures updated?

The Board indicated yes.

King suggested that he could contact Chen Northern and get an estimate of what it would take to get it up to today's numbers and bring this back to the Board.

Chairman Smith inquired if it was necessary to proceed with Dennis Stranger.

Commissioner McCown added that Dennis was going to add the industry impact overview and it would help in our negotiations if we have that also.

A motion was made by Commissioner McCown that King would get an estimate from Chen Northern updating the numbers in this particular study and also approve the proposal of Dennis Stranger to do the overall gas activity impacts on County Roads of \$3000. Commissioner Martin seconded; carried.

***Permitting - Frost Law***

King stated the way the County's frost law is written in Resolution 82-83 that gives them the authority to do such things. Since we have been dealing with the gas industry, we haven't gone a February/March time frame where it wasn't necessary to impose a frost law. He added that Road and Bridge have had to watch the weather and send faxes to all the companies they have knowledge of that the frost law was coming and their activities should be planned accordingly. Don indicated the way the statute is written it needs to be applied on an individual basis per road per season.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Herb Cline, Attorney of 201 North Mill, representing a firm owned by Mr. Considine, stated he was here to express his concerns over Aspen Crystal River/TeKeKi Subdivisions and asked that this get back on the agenda in order to discuss the problem as they perceive it. In the general subdivision there are 486 lots that are generally undeveloped. There are possibly 3 cabins that were built several years back. These subdivisions do not have access and some litigation is presently going on to try and obtain access. But historically the County's position has been that there was no access and without access building permits would not be issued in these subdivisions. Last week a property owner of three lots in Aspen Crystal River Estates applied for three building permits for three modular homes on three lots. In the past there is a long record of correspondence from County staff and attorneys to lot owners inquiring about getting building permits and consistently through 1970 - 80's these people were told that without access, without infrastructure, demonstration of water and sewer supply, building permits were not issued. However, a week ago, this particular applicant was informed by the Planning Director that building permits would be issued notwithstanding the fact that there's not access. Chairman Smith asked if he had this in writing from the Building Department that they would issue those?

Herb said no that he had asked for it in writing and was told he could not receive it in writing. He stated he spoke with Mark Bean and has also had conversations with Don DeFord.

The rationale articulated was that there was nothing specific in the building code that said you had to demonstrate access, but you did have to provide access for purposes of inspections so therefore if somebody relies on permits, built a house, but was not able to provide access for the County to come and inspect, then a CO would not be issued. And without a CO any occupancy in the building would be illegal. This seems illogical to them that the County would issue permits for something to be built when the County does know they cannot inspect it. This raises issues regarding public safety and how a violation would be enforced. He referenced a letter from 1984 from Earl Rhodes who was then Garfield County's Attorney to one of the Aspen Crystal River Estates owners and he sites the provisions and the zoning code at that time Section 305A saying all construction work for which permits are required shall be subject to inspection. It shall be the duty of the permit applicant to cause the work to be accessible and shall be the duty of the person requesting it to provide access to the work so that it can be inspected. So there appears to be a need for a prerequisite or ought to be a prerequisite that someone has to demonstrate access before they can get a building permit. He understands the County is trying to keep this a low profile and stay out of the cross-hairs of the current litigation. From a land use point of view, the specter of almost 500 lots coming on line with no infrastructure, inadequate roads, questionable permit issuance and CO's create substantial problems and a domino effect. The land along the East Mesa is also underdeveloped where developers are working on low density, some type of

land use conversation easement to keep these mesa's open. He also referenced the County's Master Plan Section 5.3 called premature subdivisions. It says there are major fiscal and environmental impacts associated with these kinds of subdivisions. These subdivisions were speculative ventures by developers who have left the area. When you deal with the sanctity of a home someplace, they are sympathetic with some of the lot owners who purchased these lots and now can't do anything with them, but there are a number of these people who knew going in that there were problems with that access and everyone who bought up there clearly knew there wasn't any infrastructure. You have to get into a weighing of public versus private interest and what's equitable. What he is asking the Board to do today is to get this back on the agenda and have a community dialogue. One of the litigants has been threatening that if you even talk about this he's going to sue the Board. This is outrageous that somebody would even threaten that and even more outrageous if the Board were to feel this was a legitimate reason for not having a public forum concerning this issue. In November of 1992 this Board was asked to look at this very same problem and the Board had a public hearing, discussed some possible solutions and it never went anywhere. Now he's asking due to the triggering events of some type of development that is eminent in the issuance of these permits, that getting access associated with one of the neighbors, time is critical even though these subdivisions have set dormant since 1965 for Aspen Crystal River and 1969 for TeKeKi. We are in a different age now with better land use to deal with it and asked the Board to do so giving them a change to work with the Board and the staff to see what can be done about this problem.

Jeff Parker - 1060 Fairway Court, Boulder - stated he got into this about two year ago when he saw what was going on up there and researched it and it became very clear that Mr. Considine was planning to develop this property. His reasons were that he discussed it with Mr. Considine directly and Mr. Considine told Jeff he may develop the property and probably would. Mr. Considine's record speaks for itself, a Realtor and a developer of other distressed properties. The lot owners were written when Considine made an offer to buy these lots. All were written that Considine may develop these properties. "Mr. Considine has no intention of developing the property but the property he is buying may become a major development at some time in the future." This was written by the real estate company that was working for Mr. Considine. He was also the lawyer for the lot owners. He was paid \$3,000 by Considine for the sale of the lots. Herb Cline told the Commissioners that if Donna got access to her home, they would sell all their lots. Don DeFord told Jeff that if one person gets access, they'll sell all their lots. It that true Don?

Don - yes, I've been told that.

Chairman Smith reiterated that this was the first time Mr. Cline has been before us.

Jeff stated he was told by Don DeFord that Herb Cline said that if anyone got access to their property, they will sell all their lots. Donna has the right to access her home as it was her home long before Herb Cline was in this valley. He knows he is going to win that suit, so he's basically saying sell all the lots. Infrastructure has been placed in TeKeKi - underground phone lines. They went through a gate owned by the Considines. He claims he doesn't know who or why they did it. That's why he saw this thing as going down and I want to live up there. I don't want to give all of this up, but he's willing to give it all up if it can be placed in a conservation easement. If Considines want to put his ranch into open space and the Nieslaniks plan to do, I don't doubt their motives at all. I will walk away from this thing but I will not walk away if this thing is going to be developed and I think what Herb Cline is trying to offer is going to screw these 51 lot owners up there.

Chairman Smith stated they can hear what Mr. Cline has to say, and instructed Jeff to go on with what he personally feels.

Jeff - for him to reassess the subdivision, okay, he's saying, abuse the rights of the property owners up there, he's saying break the law, abuse their rights and then maybe we'll develop and maybe we won't. Until we have a land trust or open space agreement, to take away my property

rights and the other people up there gives them the consent for Considine to go ahead and develop his place. This is my opinion.

Chairman Smith asked Jeff when he bought the property.

Jeff stated he bought it 1 1/2 years ago and he owns 3 in Aspen Crystal River Estates and a few more in TeKeKi - I own three in each. He stated the Board is fair and have been to him before and everyone should be treated fairly in this.

Randy Vanderhurst - Mayor of Carbondale - this is a letter addressed to the Commissioners - "Dear Marian and other Commissioners, in recent months the Town of Carbondale Board of Trustees has become increasingly alarmed about the possible development of Aspen Crystal River Properties and TeKeKi Subdivisions located on East Mesa above our community. As you know these are antiquated subdivisions without public utilities or appropriate developer. We understand that a lawsuit seeking to gain a legal access to this area are currently pending in the Courts. Notwithstanding, the individual landowners right to pursue access we are concerned with the potential impact on the Carbondale Community if this occurs in this area. We also understand that building permit applications have been submitted to the County and may be processed in the near future. We believe that no building permits should be issued until access questions and questions relating to the availability of utilities have been resolved. We are presently addressing our Town's Comprehensive Plan and Future Growth and Development. We do not believe a large scale development on the East Mesa is consistent with ours goals or plans. It will impact the Town regarding points of access and result in future demands on Town services. It could have a negative effect on present agricultural operations on the East Mesa and result in a long term loss of existing ranching activities. Because the prospect of future intensive development in this area seems to represent a very different picture of our Community's future than what we presently envision, we respectfully request an opportunity to meet with you to discuss this issue. We especially wish to encourage the County to become involved in resolving the matter in a manner that is equitable to all parties. We believe that a more active role by Garfield County is warranted and that the County is the only entity in an opportune position to get the disputes resolved. Our Board of Trustees stands ready to meet with you at a time and place of your convenience to discuss this most important issue. On behalf of the Board of Trustees, I remain truly yours, Randy Vanderhurst.

Chairman Smith stated that Herb Cline mentioned the 1992 letter and we did have a public hearing at that time which was before Larry and John were on board, we did tell people from Carbondale who expressed an interest to see what they could put together as far as a conservation. We heard nothing back, so it isn't all County that didn't follow through.

Commissioner McCown inquired of Randy if Carbondale totally discounted the possibility of these two subdivisions.

Randy - these are within the three mile sphere of influence but essentially because of the lack of water and sewage and access, they weren't heavily involved or considered.

David Michaelson of 189 Court Road 100 - wanted to respond to something Jeff said. Terry Considine did in fact approach Rock Creek Studio - the idea from his perspective was that I developed it in 92; we did come up with three alternatives and Terry wanted to explore those as well as a conservation easement. At no time did they ever look at us to do any development on Terry's property. The only option was an option looked at in 92 of consolidating the lot owners independent of Terry - people who owned and several are here - and look at re-platting that somewhere off the Mesa. Quite frankly they declined because shortly after that discussion we were hired to do the three-mile plan for Carbondale and Rock Creek felt there was an inherent conflict of interest with us having any involvement with any property owners that would affect anything they would be looking at the Comp Plan, so they declined. Herb Cline was in those meetings and he can reference what those discussions were like. In terms of those two subdivisions up there, Larry, our assumption was that we wouldn't expect any development above what lot owners were up there. But we also figure if there was never access, then it wasn't an

issue and it would have to be litigated and there were takings issues, etc. Therefore, they never rescinded building permits issued up there until the litigation determined the access was taken care of and at that point it shifts into a whole new land use scenario that we certainly have to consider. There is one concern they have and spent a lot of time talking about the domino effect that Herb was referencing - saying what would this do to Carbondale and the impacts are significant. No one would ever assumed that 800 to 1000 units on East Mesa and quite frankly if the ranchers currently ranching out there chose not to and sold it, his guess is that a ranch would not buy it but a developer would and the impacts on public services, recreation, road impacts, things like that are something we would certainly have to look at.

Chairman Smith asked David if he knew of another infrastructure other than phone lines up there?

David - his research was in 92 so anything that happened between 92 and now, he can't address. He said in 92 there wasn't any reference to any phone line or like that up there. In terms of infrastructure that would be in place for the number of units put up there when this was platted, it would be close - it's a 12 foot dirt road.

Chairman Smith reminded the crowd that they have another agenda item on at 2:00 and if these people are willing to wait, they will take more public comment after the agenda is completed. Bryan Swartz - 22 Euclid - Carbondale read a letter - he stated he owned a lot in ACRE since 1982 and has been pursuing access ever since that time but would try to view this in an objective view. Considine or the Carbondale Corporation owns 70% of all the lots in TeKeKi and ACRE. Plus more that 2000 acres that are basically enveloping the two subdivisions. Nieslaniks have about 115 acres on the West border of ACRE and his group of less than 11 is fighting to access to one house and less than 11 acres with Aspen Crystal River Estates. Their message to us, the Town Council and anyone who all attends meetings that to simply exercise our very basic property right, then we should be the blame for the development of the entire Mesa. We do take responsibility for bringing this issue to a head, we won't take responsibility for the existence of either of those subdivisions. It'll be their decision to develop. They are not giving up on a settlement or if a settlement is not reached, I will advise Mr. Considine and Nieslaniks to find another scapegoat. We share the same concerns of loss of agricultural and threat of large scale development. Our attorney is currently working on trying to solve this problem in a way to minimize the impacts both to the Nieslanik and for the Considines. It looks to him like Mr. Considine would rather hold their property and the entire East Mesa as hostage. They are saying to us - give up your property rights or the entire East Mesa gets it in the head. We simply cannot allow our rights to be ignored and knowing a bit about Mr. Considine's background I do believe his threat is true - the threat to develop that is and it probably doesn't have much to do with us getting access. His conservation image that he wants to betray is not and his strong arm tactics are questionable.

Chairman Smith stated she was going ahead with the 2:00 P.M. agenda item and then will try to get the rest of the comments.

PUBLIC MEETING: SB-35 SUBDIVISION EXEMPTION LOCATED NEAR THE INTERSECTION OF COUNTY ROADS 127 AND 117. APPLICANT: C. LUCILLE FISCHER, ET AL

Eric McCafferty, Cheryl Chandler and Lucille Fischer were present.

This is an exemption from the definition of subdivision on a 90 acre tract of land located near Cardiff, west of the Glenwood Springs city limits.

Recommendation:

Staff recommends CONTINUANCE of the petition so the applicant can conduct and submit the appropriate engineering surveys and information required by Section 5.04.02(2) of the Garfield County Zoning Resolution. If the Board finds that this information can be submitted as a condition of approval, then staff recommends Approval for the application, creating two (2)

exemption Parcel B and C, with Parcels A and D increasing in size to the proposed acreage, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage irrigation ditches, access, utilities, etc.

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.

That the applicant shall submit School Site Acquisition Fees, for the creation of the exemption parcel, prior to authorization of an exemption plat. The applicant shall be notified of the appropriate, per lot, fee that will be applicable at time of submittal of the exemption plat.

That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.

That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.

That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building code, as adopted by Garfield County.

Prior to final approval the Division of Water Resources shall issue the appropriate well permit, the well shall be drilled and pump-tested for a duration of four (4) hours, the well water shall be tested for nitrates/nitrites and fecal coliform bacteria, and a well-sharing declaration shall be created. All information shall be submitted to the Planning Department for review.

The applicant shall consult with the Road and Bridge Department and shall receive any required driveway permits, prior to final approval.

That the following plat notes shall be included on the exemption plat:

"All building foundations and individual sewage disposal systems shall be engineered."

"The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"The individual lot owners shall be responsible for the control of noxious weeds."

"One dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One new solid-fuel burning stove as defined by C.R.S. 25-7-401, et.seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"There shall be no more exemptions from definition of subdivision allowed on either parcel created by this approval."

Eric stated without building envelopes he cannot determine buildable lots.

Commissioner McCown inquired if these building envelopes can be determined before final plat.

Eric stated yes, therefore,

Commissioner McCown made a motion to approve the SB-35 exemption for Lucille Fischer at the intersection of County Road 127 and 117 with the conditions so noted in the packet 1 - 10 also with the recommendation that the building envelop be provided to the Planning Department before final plat. Commissioner Martin seconded. Motion carried.

***TeKeKi and Aspen Crystal River Estates Subdivision - Continued***

Bob Perry - Mt. Sopris Ranch Road - Carbondale stated he was not totally informed but his opinion is he has sold some land next to a subdivision. Subdivisions are hard to operate next to a ranch. It is not feasible for a subdivision to be on TeKeKi. He was an alternate 25 years ago on Planning & Zoning and it should have been turned down then. The development of land without water is not a good thing.

Fletcher Anderson - 109 Airport Rd - Glenwood stated he heard several different versions of what the facts concerning this subdivision are. He would like to remind everyone that this matter is before the Courts and the Courts will eventually have a ruling and when the court rules, then it is time to begin discussion but until that any planning and discussion done is based more on rumor and supposition versus true facts. So he hopes the Commissioners will allow the legal process to run it's course prior trying to intervene with a political solution.

Jeff Parker stated that during the last matter, he and Herb Cline have a dialogue going. Jess added that his family put his 1000 acre farm into conservation a few years ago. And I think we have a dialogue now and may be able to figure something out. I think we should try and get together with Nieslaniks and Herb Cline and figure something out. The reason he applied for these Building Permits was because his lawyer told him to because he doesn't plan on building and will not use those permits unless he's forced to and I hope we can find a different solution to this whole thing. As far as the infrastructure, there is ground water close to the fences, 35 gmp at 120 feet deep and he can get a well permit. He just doesn't like what's going on and believes it can be figured it out. He felt time should be given to see if things can be worked out and report back to the Commissioners.

Herb Cline - It's true that he and Jeff spoke and certainly the concepts spoken about could lead to resolving the issues. However, he added he would like to keep on track with some involvement by the County as there are so many land owners involved and just the fact that he and Jeff are speaking positive, we need to get a lot of other people involved in the same dialogue. He asked if the Board would schedule a meeting in a month and see if staff could take a look at the problem and speak to them during that time and come back to the Board on an agenda to discuss different mechanisms to deal with these problems.

Don - stated his suggestion is that the Mayor of the Town of Carbondale and City Council should meet as well and suggested coordinating with Council for Carbondale as well.

Mark Chain - Carbondale Planner - give us a date and he'll see how many can attend.

Chairman Smith - 1992 was mentioned and the issues went so far and then dropped therefore, she is hopeful that something continues. It is very difficult for everyone involved.

A date certain was set for March 18 - 7 PM - workshop in Carbondale. Also a notice will be published in the Carbondale paper.

John Nieslanik - 0979 101 Road - stated he had a comment on the water well. On my ranch when we divided it we had to drill three wells to get water on his place. He just put in a mile of water line this Fall and his well is 100 yards off the TeKeKi fence line and it doesn't produce enough water for a rabbit in the middle of the summer.

Chairman Smith - stated this is one of the issues that he needs to bring out when they are talking about infrastructure.

Fletcher Anderson - 109 Airport Rd - the well Jeff is talking about is the TeKeKi community well system that was drilled by the developers and pump tested by the developer 25 years ago. This is adjacent to the railroad tracks East of the Catherine's Store bridge and part of the TeKeKi water system and the pipe line is in place. And a lot of the pipe to complete the rest of it is just sitting out there. There are some wells on BLM land to the South of TeKeKi and then there are a whole different series of wells adjacent to Aspen Crystal River Estates and there seems to be confusion with some of these wells. The water system is ultimately resolvable one way or another if nothing else by cistern and by hauling in water. We might take this one step at a time rather than tie too many aspects to speculation on where the things may be in the future.

LIQUOR LICENSE RENEWALS: BATTLEMENT MESA, FAIRWAY CAFE H & R WITH OPTIONAL PREMISES; JAK'S 82 GRILL, H & R RENEWAL; FLYING SHEEP, GRAND RIVER GRILL H & R AND MODIFICATION OF PREMISES

Mildred Alsdorf presented the renewals for liquor licenses.

Mildred explained that the Grand River Grill is proposing to modify their premises by taking the upper part which was a former office and incorporate it into a sports bar; also have tables outside for serving. Battlement Mesa Partners will fence the area and the restaurant will maintain the security of the area. Mildred commented that she will make the inspections once the modifications are complete.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to accept the renewal licenses which include the stipulations that an investigation is made of the premises either by the Clerk's office or the Sheriff's office and authorized the Chair to sign; carried.

#### ***Executive Session - TeKeKi Development - Legal Advice on Home Monitoring/Sheriff's***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

#### ***RFRHA - Conservation Easement***

Commissioner Martin stated RFRHA was to give this Board a written motion to go ahead and try and renegotiate the conservation easement with Aspen Valley Land Trust. The ones selected to do this were the Chair; the Executive Director; and the RFRHA Board's Attorney. Don and he both agreed that we need to be involved in this negotiation because of the different agreements the County has with them if they change the conservation easement or if they change the requirements that we have in place with the Department of Local Affairs and what our grant says.

PUBLIC HEARING ABATEMENTS: J. ROBERT YOUNG; H & R PROPERTIES, INC.; BARRY L. STOUT; THOMAS AND CHERYL SULLIVAN

Steve Rippy presented the abatements.

J. Robert Young abatement for \$2,376.33 is based on the fact that the last appraisal the Assessor's office was unable to find a comparable; now they have values since more homes have been built in the area. Steve commented that the property was overvalued and recommended the Chair be authorized to sign the abatement.

Barry L. Stout abatement for \$4,164.71 is a re-classification. The property was in agriculture and used more for grazing; the land was less high quality than appraised. Steve recommended the Chair be authorized to sign the Abatement.

Thomas and Cheryl Sullivan abatement was on a mobile home. The owners have left the County and there is no ability to contact them and get the taxes on it.

Commissioner Martin moved to authorize the Chair to sign these abatements as presented. Commissioner McCown seconded; carried.

### ***RFRHA Continued***

#### ***RFRHA Letter***

Don will put together a letter and bring it back to the Board.

#### ***Cattle Creek Crossing***

Eric submitted copies of the letter he had earlier sent to George Hanlon. He added there were 17 review agencies other than Garfield County.

Don stated the Board made a decision that Eric should send out requests for response to agencies as the staff deems appropriate.

#### ***Change of County Classification***

Mildred Alsdorf mentioned that since none of the Commissioners would be present Wednesday morning where discussions would be held with the legislature on changing the class of Garfield County, do we need a letter to go to Chip Taylor with CCI saying we would appreciate their support on a classification change.

Chuck was asked to write this letter.

#### ***County Administrator***

Chuck mentioned that Commissioner Martin had attended a meeting at Road and Bridge and there could be a potential problem with salary increases. Chuck is asking for a recommendation on how King would propose to deal with this.

Chuck added the concern has to do with the compaction problem in Road and Bridge and the fact that their department is not able to promote as the Sheriff and/or Social Services has done. He added that the longevity raises did not do anything for the compaction problem.

Commissioner McCown stated the feedback he received was that they did not get a raise at the first of the year and then another on their anniversary date.

#### ***Discussion***

This same type of compaction occurs in every office and the employees need to understand that all County employees need to be treated equally.

#### ***Evaluations - Department Heads***

February 23 - Mark, Dale, King, Margaret, Gary, and Barbara. Chuck to schedule these 1/2 hour each from 11:00; 11:30; 1:00; 1:30; 2:00; and 2:30.

The Board will meet at 8:00 A.M. to discuss these as a team.

#### ***Airport Authority - Airport Manager Position***

Chuck indicated that March is a possibility for putting this on the Board's agenda to discuss the Airport Manager position. He briefed them on Weststar Bank and also had received a phone call from Eddie Walks and requested this be in an open session. Chuck stated it would be useful to have a workshop to go over the history of the airport and the FBO contract and airport manager contracts, the leases and would like to have Russ George present for the discussion.

Chuck added that he will provide the Board with copies of this contract as well, but in many places the contract is very vague.

Commissioner McCown indicated that Weststar may be interested in buying out Corporate Air.

#### ***Fire Fighting Facility - Schematic***

Chuck reported that Phil Vaughan has the schematic drawing and wanted to meet next week with Chuck, Mike Morgan, Pete Bloom and Chairman Smith if she is available.

Chairman Smith - commented that she wanted to make sure that the Board is not being used to pull in agencies. As she understands it a memo went out to see if there were other places that were interested in doing this.

Commissioner McCown indicated that this County is the only one that has borne any of the cost to doing anything thus far and we have a schematic therefore as far as he's concerned there is no other commitment from the other players.

Chairman Smith indicated her concern about the memo. It appears that all the Federal people are not talking to each other and she understands some of the ones that are supposed to be in charge claim to know nothing about it.

Chuck indicated that there is a grant for this preliminary study that's a Forest Service Grant actually to Garfield County but BLM put it through for us on the preliminary phase for their share.

Chairman Smith wanted Chuck to be aware and ask some pointed questions.

Chuck stated this meeting should occur next week. The second portion is Rifle Fire basically has agreed that this could be the Fire Station for the Industrial Park and has given him the go ahead to sit down with Mr. Howard with that representation.

#### ***Communications - E-911***

Chuck informed the Board that Jim Stevens had called him asking if Carol Silvius should be on a time clock.

Chairman Smith stated that Jim told the Board that Chuck had suggested it.

Discussion was held.

Chuck added there was conversation with respect to Carol keeping daily time records in order to compensate for overtime, otherwise this was very confusing.

#### ***Deputy Administrator - New Position***

Chuck stated he was drafting a job description for a deputy position. Also there is some staff capacity that he is utilizing. Dale is not utilized to his full potential so he will be delegating more tasks to him especially as they fall into those areas designated by the Board on Capital and involving the Jail problem - the Lift Up House being one. Ultimately this may involve two deputy types of positions. Chuck requested feedback from the Board.

#### ***Social Service Consolidation***

Chuck indicated as discussions concerning Social Services consolidation there may be some benefits of combining some of the Accounting functions. This will take longer as they are so diverse right now, but may be ways of getting capacities by combining the two.

#### ***Personality - Potential Conflicts***

Chuck alerted the Board that they may hear of some minor conflicts involved in his office but he was confident that his staff would work those out. He asked if the Board had concerns to please talk to him.

Commissioner McCown stated that Chuck should make any calls or decisions based on facts and not let personalities get into it and the Board will back him.

Chairman Smith mentioned that she wished they had not severed the accounting of Social Services from the main County system. Colette is very informed and this has nothing to do with her skills and knowledge but this needs to be worked back into the County system.

Chuck indicated this may take a year or two. His thoughts are to try and get Colette to specialize in the data processing end of it as she has a real interest and expertise in this area.

#### ***Adjourn - 4:25 P.M.***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to adjourn; carried.

**Attest:**

**Chairman of the Board**

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**FEBRUARY 9, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, February 9, 1998 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR - BID AWARD - 4 WHEEL DRIVE VAN

Mike McBreen and Chuck Deschenes were present for the award.

Bids were as follows:

John Haines	1998 Chevrolet Astro Van	\$21,650 del 90 days
Berthod Motors	1998 GMC Safari Van	\$22,095 del 60/70 days
Burt Chevrolet	1998 Chevrolet Astro Van	\$21,643 del 45 days

Mike recommended approval of John Haines bid.

Commissioner McCown so moved. Commissioner Martin seconded; carried.

***Road and Bridge Truck Packets***

Bid Packets for the trucks for Road and Bridge were presented by Chuck for the Board to review. Chuck commented that consistency in tire sizes are being considered since the Commissioners had asked to standardize these items for better inventory control.

***Rural Resort Implementation Plan for One-Stop Center***

Chairman Smith stated she had a draft and suggested that Don look it over. However, a letter needs to be sent off with it. There is a sample attached of what needs to be included.

She requested that Chuck write a letter however, and that Don DeFord should review the contract prior to signing.

***Approval of the Work Force Board Members***

Chairman Smith stated the Board needs to adopt the board members they are recommending:

Denise Vaughn; Jim Arnold from Valley View; Stan Dodson; and Ron Sales.

A motion was made by Commissioner McCown to adopt the Board as listed in the Work Force.

Commissioner Martin seconded; carried.

***Mag on Roads***

Chairman Smith suggested the future use of Mag Chloride on County Road 117 and County Road 114.

Discussion.

Commissioner Martin suggested this would be a pilot project to see how well this worked.

This will be discussed further with King during Road and Bridge time on the agenda.

***Meeting - Discuss the CMC/County Road 114***

Chuck mentioned the meeting was Wednesday with the State Patrol, Road and Bridge Supervisors and King. Commissioner Martin stated he would also be present.

***Resolution Drafted - Permit Fees***

The change in the Road Permit Fees has been incorporated into a Resolution form that Chuck drafted. These need to be published after the Board approves.

HONEYWELL - PROJECT SUMMARY

Pat Massender, Rich Alary, and Honeywell representatives - Andy Morton, Dave Alice, Gary Riddle, Ralph Farelo, Chuck and Don were present.

Andy stated the purpose of this meeting today is to provide the Board with follow-up on the project; more information that Honeywell did, including the benefits and give some additional information and thoughts to keep in mind.

Andy handed out a short presentation for the Board to review.

There were three general classifications - conservation measures, physiological measures, and capital improvements with an approximate 5 year payback on conservation measures. There were three capital improvement projects with the term of the agreement around 5 years and physiological measures included comfort, productivity and indoor air quality.

Andy focused on some of the problems that could be experienced unless everyone in the Courthouse followed the same instructions. These included - do not open windows and to avoid individual heaters. He explained the effect that this would have on other offices since this was a complete system that worked off the same heating/cooling mechanisms.

Andy reminded the Commissioners that if the cooling system does not meet their needs then there was an option at the end of the summer for a fixed price to install a mechanical chiller.

Honeywell is still on the hook with Garfield County for this and they will be keeping in touch to see how things are going.

Andy mentioned that buildings are very dynamic and when you address one person's complaints, you may very well affect someone else's comfort level. Along with this he suggested if a Memo could be sent out stressing that windows must not be opened; also to stress that the Board has spent a lot of money in order to address the needs of the system and confirming that it takes the cooperation of everyone for it to work correctly and efficiently.

#### JAIL DISCUSSION

Sheriff Dalessandri, Dale Hancock, Colleen Truden, Al Maggard, Don DeFord and Chuck Deschenes were present.

#### ***Jail Count***

Total in Jail: 130 36 main jail; 37 Work Release; 7 females; 28 other jails; 10 Home Detention; 11 Workenders; 1 State Hospital. Of the 28 in other jails - 15 Clear Creek; 11 Gilpin; 1 in Rio Blanco and 1 in Pitkin. 12 of these were DOC.

#### ***Community Corrections***

The team from the School of Mines were taken around last week and they will have the report complete at the end of March. The geological team spent last week on Wulfshon and this should be completed in March according to John Hite.

Al Maggard stated the regular meeting of the Jail Advisory Board will be held on Thursday at noon at the Hotel Colorado.

#### ***Meeting with the Judges***

Tom stated the general consensus not to place offenders on Home Monitoring unless the inmate was sent to the Courts for a review and an assessment. It could be early release under Rule 35; or an agreement to go ahead and place them on the Home Monitoring system. Judge Zerbi stated they would need a 48 hour turn around for a decision.

#### ***Continued Joint Meetings - Jail***

Commissioner Martin stated that on Wednesday at 9:00 A.M. there will be a meeting with some of the representatives from the City dealing with re-vamping on the jail site. He added that Don should be there as well.

#### ***Security***

Chuck and Tom presented.

Chuck indicated he was sent a memo by Tom stating a request for two possible cameras to be installed and panic alarms. Chuck stated he wanted to obtain some additional bids and would be assigning Mike McBreen to work on this. Mike and Dan Hall will work together on the cameras. Chuck stated they cleaned up the basement

Mildred thanked Tom for the presentation on Safety which was done on Friday in her office.

#### ***Veteran's Service Contract for Pitkin County***

Chuck presented the Agreement.

Commissioner McCown made a motion to authorize the Chair to sign the Purchase of Service Contract for Garfield County Veteran's Affairs, 1998 with Pitkin County for the sum of \$3883 to be made on a quarterly basis of \$970.75 each. Commissioner Martin seconded the motion; carried.

#### ***Hans Bleeker Conference***

Chuck stated now he understands there is a cost of \$250 for the two-day session. Chairman Smith commented that she didn't think she would attend.

#### ***Pete Nichols - Independent Study***

Chuck mentioned that Pete Nichols had suggested the possibility of providing an independent cost analysis to run a remote jail facility. He also stated he could do an economical assessment as to what the jail does for Glenwood Springs.

#### ***Space Issues - Courthouse - County Engineer - Deputy Administrator - Weekender Technician***

Chuck mentioned the shortage of space for the new positions being added in the County Administrator's office.

Chairman Smith suggested the Weekender Technician could possibly share Dale's office space. Other potential space may be in Extension.

#### ***County Engineer - Interviews***

Chuck stated he did a summary of the Engineer position and has discussed this with King.

#### ***Fairground Facility***

Chuck reported there was nothing from Job Corp and it was too late for this year. He added this was discussed at the City of Rifle's Comprehensive Plan and they would like to move the Fairgrounds. Chuck added this would be a project for 1999; he would like to mention what was being talked about to the City of Rifle.

#### ***Library***

Discussion was held with respect to the future with new buildings for the Library. The County will be looking at some of the Municipalities for funds. If a municipality wants a full service library, then they should help.

The discussion including combining the libraries within the schools and municipalities. There are six libraries in this County.

#### **COUNTY BUSINESS - BUILDING & PLANNING REPORT**

Mark Bean, Chuck Deschenes and Don DeFord were present.

#### ***Ambrose and Lawson***

Chairman Smith stated she and Commissioner McCown were getting calls and wondered what this was.

Mark informed the Board it was on a variance. Steve put a stop work order and if the variance is not granted, what they have done would need to be removed.

#### **DEPARTMENT HEADS**

***Request - Harry Naugle***

Mark stated this is a rezoning request, however, the submittal was not complete. Building and Planning had noted deficiencies.

Commissioner McCown has spoken to him as well and the problem seems to be that Mr. Naugle will not spend the money to obtain assistance in the preparation process.

The Board suggested for them to proceed as with all others. Send it back incomplete.

***County Engineer***

Don DeFord asked for input into approximately when the County will take over the permitting process on State Highway Access. He added that a specific date has to be given as to when the County will take over. Don targeted March 9.

The Board suggested that Don go ahead and draft a letter on this for their signature.

The Board has the initial authority, the State approves and doesn't have the power to override.

Don is talking to Eagle on this and added that he was referred to George Roussos.

Don prefers to have the County Engineer discuss with George rather than him.

***Building and Planning Summary***

Mark submitted the Building and Planning Activities Report. We are ahead of 1996 for numbers. 22 units thus far.

***Special Use Permits - Kimball Mountain - Phase II***

Mark asked if the Board wanted Planning and Zoning to review or set it for a hearing.

The Board suggested that it be set for a hearing date and that it would be helpful to have some photographs on the current operation.

***Accessory Dwelling SUP - County Road 107 - Red Hill Area***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer this accessory dwelling request to the Planning Commission; carried.

***Investigation by an Engineer - Bradley - Rifle Village South***

Mark reported that Eric has talked to Yancy Nichol of Sopris Engineering regarding the Larry Bradley situation and an effort to obtain his engineer services for investigation of work. It appears there may be conflicts with certain geotechnical firms in the area in performing either previous work at the site for the developer or consulting with Steve Donovan the aggrieved neighbor. After reviewing the files, Mr. Nichol has advised that due to the nature and scope of the work, services could be provided by him but for more than the \$1500 authorized by the Board. Nichol stated the services could be provided for between \$2500 and \$3000.

Mark stated the difficulty was having to go outside the area.

Grand Junction and Eagle County were suggested. The Board was reluctant to approve anymore than the \$1500.

***Planning Commission Member***

Chairman Smith commented that she had received a letter of interest for serving on the Planning Commission from Jim Sears' wife.

Commissioner McCown requested to fill the vacancy on the Planning Commission with someone from the agricultural community to replace Jim Snyder.

Domonic Dodero was recommended.

***Amended Plat - Dakota Meadows***

Commissioner McCown made a motion and seconded by Commissioner Martin to authorize the Chair to sign the amended plat for Dakota Meadows; carried.

***Request from City of Rifle***

Mark presented a request from the City of Rifle to waive the preparation of an annexation report.

Mark read into the record that it was for Savage/Unocal for County Road 295 and County Road 293. Annexation by UNOCAL was agreed and previously Rifle did annex along the entire boundary. This request however includes County 293 on the North. Mark added it has always been the position of the County if they are taking in the County's roads, we don't have any great objection to the annexation.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to waive the annexation report; carried.

***Resolution - Conditional Use Permit - Western Academy***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Resolution concerned with the approval of a Conditional Use Permit application modification for Community Based Services, dba Western Academy; carried.

***Request - Victoria Giannola - Conference***

Mark presented a request to authorize Victoria Giannola to attend a 4 day Conference at the Hotel Colorado for a \$400 fee dealing with land use issues.

Authorization granted.

***Rocky Mountain Recreational - Harvey Gap Reservoir***

Mark reported that the State had decided to not continue the operation at Harvey Gap Reservoir. A private group wants to take it over and they are requesting people be charged for parking while ice fishing is going on and come in later for other permits. This same group has the Reudi and Wulford Reservoir concessions. Mark indicated this is something outside the land use policy but he told them he would bring it before the Commissioners. This is basically a commercial entity taking over for what used to be a public park and it is subject to land use regulations.

Mark added that he will relay that this is part of the overall special use process and it should be included in an application accordingly.

The Board agreed.

***Resolution - Updating the Existing Regulation***

Mark commented Don has reviewed this and what the department is doing is amending the existing Resolution that has base fees resulting in Subdivision application allowing the County to charge out additional costs for engineers and staff time. There is still a need to develop a cost for staff but most is in place.

The Board asked for time to review the Resolution.

Don added that he also wanted to sit down and review this in light of a recent court ruling in Douglas County.

***Report - Meeting with Water Quality Control/Schmuesser Gordon Meyer***

Mark attended a meeting last week sponsored by the Commission on Water Quality in the Roaring Fork River. There is a new process that the Board has seen bits and pieces of in terms of literature called the (Total Maximum Daily Load) TMDL. It's a process whereby certain rivers are allowed to have a certain type of loading of what is classified as pollutants. The Roaring Fork River is a Class I Cold Water Aquatic Life Classification which is a very high classification. It is also listed on what they call the 303D list which is a list that identifies certain additional perimeters that have to be dealt with. Basically what is coming down is that Pitkin County has 14 site applications predominately in the Woody Creek area with the Aspen Metro Sanitation District. This means Garfield County is going to get caught and pushed by the engineering community as well as the municipalities up and down the river here to work on some engineering best practices for both point source (sewer plants) and non point source (includes ISDS and surface run). This TMDL has a formula that has three components: point source pollution, non-point source and growth. The bottom line is that Garfield must watch carefully to see who is doing what and where. It's conceivable that certain municipalities or special districts could end

up getting penalized some excessive costs to be able to reduce their effluent levels to one well below what is normally required because someone else has claimed the right to ammonia exceeding limits. Solution to pollution is dilution.

Mark added the municipalities will have to pay the most due to their pollution or effluent is very easily definable because of the point source. The non-point sources, ISDS and surface run off aren't going to have to pay anything. The County will probably be asked to look at updated a 208 plan. Ultimately, Mark has spoken to Bill McKea, the Water Shed Coordinator for the Roaring Fork River and suggested a presentation before the Board. There apparently is some money available to develop a 208 plan but he's looking for a "buy-in" on the part of the County to develop it.

### ***Personnel***

Barbara Ramirez asked for input on the memo for the FMLA Class on Feb. 26 at 1:00 P.M. and if there was an interest in the Team Building for Friday - April 17 at a cost of \$170 per person.

The Board suggested Barbara continue to look at other proposers as this cost seemed very high.

### ***Contractor Licenses***

Commissioner Martin and Mark presented.

Mark said that basically all municipalities in the valley and Eagle and Garfield Counties have gotten together and developed a testing program so that licenses are transferable. All an individual has to do once they have passed and get their license approved, is pay the appropriate bonds or security for liability purposes. The Contractors are asking for this as well.

### ***TeKeKi-Aspen Crystal River Estates***

Mark stated that he has received 3 building permits for TeKeKi.

Commissioner Martin suggested Mark hold off until a decision is made after the meeting on Wednesday, March 18.

Don suggested an Executive Session to advise the Commissioners of legal issues.

### **EMERGENCY MANAGEMENT DISCUSSION**

Guy Meyer stated that Rob Hykys sent a letter to the State requesting \$2900 in funds for the software in order for him to prepare the report. The State indicated to Guy that they will send the money once they receive Rob's letter.

### ***Snowpack - 1997-98***

Guy stated the snowpack for this year is undetermined and it will be April 1st before a report can be issued.

The Emergency Preparedness Association meeting was moved to April 15, 1998 at 10 A.M. in Rifle.

### ***RFRHA Letter - Conservation Easement***

Don DeFord presented a draft letter requesting the Chair be authorized to sign.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to the RFRHA regarding the Conservation Easement; carried.

### ***Airport - Open House - February 13, 1998***

Chuck mentioned Liability Corp is having an open house and offering a helicopter flight for past authority board members, current authority board members and Board of County Commissioners so if the Board can go it is at 10 A.M. on Friday, February 13, 1998.

PUBLIC HEARING: ASPEN GLEN - RIVERFRONT TRACT A - PRELIMINARY PLAN -  
LOCATED ON THE WEST SIDE OF THE ASPEN GLEN PUD. APPLICANT: ASPEN GLEN  
GOLF COMPANY

Mark Bean, Don DeFord and Larry Green were present.

Don determined that proper and adequate notification and publication was in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in Mark Bean.

Exhibits were submitted: Exhibit A -Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D -Project Report and Staff Comments; Exhibit E - Letter from the Division of Wildlife; Exhibit F - Letter from the Carbondale Rural Fire Protection District; Exhibit G - Letter from the Colorado Geological Survey; Exhibit H - Letter from BLM; Exhibit I - Letter from Mount Sopris Soil Conservation District; Exhibit J - Letter from the Office of the State Engineer, Division of Water Resources; and Exhibit K - Letter from the RE-1 School District.

Chairman Smith admitted Exhibits A - K into the record.

This is a preliminary plan for Riverfront Tract A at Aspen Glen for a 6.554 acre parcel to be split into 11 single family lots.

Larry Green introduced Eason Haas - the General Manager of Aspen Glen Golf.

Chairman Smith swore him in.

Eason - stated the screening was originally outlined in the Preliminary Plat and Kevin Wright of the Division of Wildlife approves as they go along. What is in place now along Tract 8 consists of Spruce from 8 to 22 feet 4 to 6 1/2 inch Caliper Cottonwood and 2 - 3 1/2 inch Caliper Aspen.

Recommendations:

The Planning Commission recommended APPROVAL of the proposed Preliminary Plan subject to the following conditions of approval:

All representations of the applicant, either within the application or stated at the public hearing before the Planning Commission shall be considered conditions of approval unless otherwise stated by the Planning Commission.

The applicant shall pay a per lot in School Site Acquisition Fee prior to the approval of any Final Plat.

The applicant shall provide documentation from the Carbondale and Rural Fire Protection District approving the fire hydrant design prior to the submittal of a Final Plat.

That prior to approval of the Preliminary Plan, a letter from the ADSWD will be required, stating that the District can and will be able to serve the water and sewer needs of the proposed development.

The following plat notes shall be included on any Final Plat:

"Certain building locations may be subject to geologic and hydrologic hazards.

All structures shall require the submittal of an engineering report addressing soils and geology conditions, foundation design and drainage prepared by a registered professional engineer. All site development, including building construction, shall be conducted in accordance with engineer's stipulations."

"No open hearth solid-fuel burning fireplaces will be allowed anywhere within Aspen Glen."

"All dwelling units will be allowed unrestricted number of natural gas-burning fireplaces or appliances."

"All dwelling units will be allowed no more than one new wood-burning stove as defined by C.R.S.25-7-401, et.seq. and the regulations promulgated thereunder."

"Only one dog is allowed for each dwelling unit."

"No construction or land disturbance will occur in any jurisdictional wetland on lots 5 and 6."

5. That the final plat documents include a vegetative screen along the eastern portion of the project that is approved by the DOW.

Commissioner McCown moved to close the Public Hearing. Commissioner Martin seconded; carried.

Commissioner Martin made a motion to approve the Preliminary Plan for the Aspen Glen Golf Company following all the mitigations adding No. 7 "that all mitigation measures agreed upon by Aspen Glen and the Department of Wildlife as well as adopted by Garfield County."

Mark stated he would revise No. 6 "and all the mitigation agreements made by Aspen Glen and the Department of Wildlife at the PUD approval and adopted by Garfield County."

Commissioner McCown seconded.

Motion carried.

### ***Two Final Plat - Aspen Glen PD Parks and Lake - Filing No. 3***

Larry stated he had two plats for final approval; all have signed the SIA's and are on Mildred's desk waiting to be recorded. Those plats are first of all what is called PD Park and the Lakes Filing No. 3 for 24 units. Also, it was the final plat that created the 6.6 acre parcel to allow them to go forward with what he just presented today. The final plat for this parcel was approved back in November; the final plat for PD Park was approved back in January. Since that time, the developers have actually done a significant amount of the SIA Improvements associated with each of those final plats. Last week Larry gave to Mark and Don a certification from their engineer stating how much of the work was done. What he wanted to do now is ask the Board to acknowledge the amount of work that has actually been performed so they can come in, give the County security for the remaining amount of work that needs to be completed and then record those two final plats.

Larry stated they would record the first one and immediately after record what he calls the partial satisfaction of SIA. Mark and Don both have copies of the documents backed up by the engineering information. As far as the second amended plat of Golf Course Parcel Filing No. 1 the original amount of engineered estimate for the cost of the work was \$122,227. Mark was given a certification that \$60,165 of that work has been completed and that leaves \$62,062 to be completed.

Don stated he had reviewed it and it is fine.

Commissioner McCown made a motion and Commissioner Martin seconded to authorize the Chair to sign; carried.

### ***PD Park and Lakes - Aspen Glen Filling 3 - Final Plat***

Larry presented the original amount of security was \$634,590 and \$600,647 has been completed leaving a remaining balance of \$33,943 which he said they would secure and move forward with recording that Final Plat. He asked the Chair to sign that acknowledgment.

Don stated he had reviewed this and it is fine.

Commissioner Martin moved to authorize the Chair to sign; Commissioner McCown seconded; carried.

### ***Executive Session - TeKeKi***

Don asked for a motion to go into an Executive Session to discuss the building permits requested by Jeff Parker. Don had a copy of a letter from Herb Cline indicating that they will appeal any decisions to issue the permits. Mr. Parker has informed Mark that if he doesn't issue the permits, he will be discussing this with his attorney. The implications are clear that litigation could fall from whatever decision is made. Mark is the building official and has to make these decisions - it is not a Board decision.

Commissioner McCown moved to go into an Executive Session; Commissioner Martin seconded; carried.

A motion was made to come out of Executive Session by Commissioner McCown and seconded by Commissioner Martin; carried.

### ***Discussion on Overweight/Oversize Permits***

King Lloyd, Don DeFord, Mark Bean and Chuck Deschenes were present.

The draft Resolution was reviewed.

***Executive Session - Personnel Matter***

King Lloyd, Don DeFord, Mark Bean and Chuck Deschenes were present.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss a Personnel Matter; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

***Nelson - Claim for Damage to Property***

Don DeFord explained the claim by Nelson concerning damage to his property during construction of County Road 117, and stated there is a proposal to settle that claim for \$3.96 per sq. ft. for an area that was measured at slightly in excess of 8,000 sq. ft.

Don further explained that added to what he already mentioned a statement that indicates we are submitting in writing an agreement that we will settle in that amount and if he signs this document, the Board will consider the matter settled and will proceed to revegetate this Spring.

A motion was made by Commissioner McCown to settle the claim and Commissioner Martin seconded; carried.

***County Road 109***

King Lloyd submitted an estimate from Schmueser Gordon Meyer on design cost for the County's portion for improvements County Road 109 out to County Road 108. The amount was \$42,290. There was a meeting with them; the Aspen Glen Developers and County Surveyor. They are taking the road template as described in the agreement in conjunction with a pedestrian/bike path and overlaying that over the survey information that Sam Phelps gave them to try and determine what kind of additional right-of-way we would need and if it would be practical to have the bike path/pedestrian portion.

Mark stated it could become a part of the right-of-way.

Commissioner McCown clarified that it didn't have to be a separate surface.

King stated that it was stipulated that if it was built, that's the way it would be. If it was conceivable. This is part of the exercise at the present and everyone determine if it is practical.

King added the information, as well as the cost estimate would be ready approximately the end of February.

ROAD AND BRIDGE DISCUSSION

***Resolution - Oversize Vehicles***

The Board gave direction to King and Chuck to move forward.

Chuck will publish the Resolution and it will require 15 days publication before it can go into effect. Chuck will set up a Public Hearing.

***County Road 315***

King stated he had on-going negotiations with two engineering firms and it looks like Schmueser Gordon Meyer has the best approach.

***Energy Impact Contract***

King provided an update stating this was moving along.

***County Highway Users Report***

King stated this was mandated on an annual basis, it attests to the number of miles of County roads maintained. This year there were changes due to some oversights found approximately with a 3/10 of a mile that we have maintained but not received credit for - Slaughter Gulch Road/County Road 138 behind Dry Dock.

The Board instructed King to include it.

King stated the deadline has changed to February 1st.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair's signature in the report; carried.

***LaPlata County***

King stated he was in contact with the Fleet Manager of LaPlata County as to the price tag on the scales. He added they come with the self-contained trailer.

***Chen and Associates***

King informed the Board on the proposal to update the 1991 report.

***Landfill***

King reported that 180 tons of scrap metal had been removed and will amount to \$3600 in revenue.

***Pilot Project - Tires into Liquid***

King informed the Board that Utah has a recycling project that transforms used tires into liquid.

***Public Service - Gas Pipeline County Road 335***

King reported there was nothing new on this particular issue.

***Seal Coat and Chip Seal Bids***

King stated he and Chuck had met and want to obtain an earlier bid process hopefully prior to the Spring Road Tour.

Chuck asked the Board to put together a list of roads. The plan was to get into a cycle where you have a 5 year project plan.

***Graveling Projects***

King stated the Board needs to give the go ahead with the gravel projects as they see fit. He wants to have a finalized list in the next 30 days to go out for bid and requested input from the Board on the ones they wanted to include.

***Frost Law***

King stated the frost damage is early this year and there may be some possible damage to roads.

***Radios - Frequency***

Chuck and King reported that the cost of \$65,000 would include 23 mobile radios which need replacement. This doesn't include if there's any building required on site if the County cannot fit the repeaters in the existing buildings. He added the repeaters are fairly small so he thinks this is not going to be major expense. There is also a provision at one of the sites, which is a solar site and may need a panel added for additional capacity, and the other contingency is upon power space. There should be some Roan segments left over from televisions days.

Chairman Smith inquired if these mobiles can switch to the 800's?

Chuck stated he had talked to a lot of people and what they are saying on 800 megahertz is narrow band and the equipment will be able to be converted to narrow band, not necessarily 800 megahertz but 450 or some other.

Chairman Smith stated her concern was not to invest in something if the band tightens up and the equipment became obsolete.

Chuck commented the equipment would be able to be relicensed under the narrow band and transmit and receive. It can also be converted to digital.

Chuck stated there were 3 sites Roan Creek, Corral Peak and Lookout.

A motion was made by Commissioner Martin to go ahead and enter into an agreement not to exceed \$65,000. Commissioner McCown seconded; carried.

***Truck Bids***

Chuck stated the truck bids are almost ready to go out. There is a meeting with the foreman on the 19th. A date in mid- March is the anticipated date to have these out for bid. As far as financing, Chuck stated he was going to put out the financing proposals on the approximate costs.

#### ***Drive-Line Retardant***

King informed the Commissioner what the benefits of drive-line retarder are to the trucks. King says they are safer and work in conjunction with the regular brakes.

#### ***Mag Chloride on 4 mile and County Road 114***

The Board asked King to give them a report on the cost of mag chloride to be used on County Road 117 and County Road 114 in comparison with constant plowing and sanding during snow storms.

King stated they add "freeze-guard" at a cost of 26 cents per sq. yard.

#### ***404 Permit***

King suggested to proceed with the 404 Permit if the Board was interested in pursuing.

The Board gave King approval to do so. Commissioner Martin suggested and to make sure Rifle is willing to go along.

Chuck added he would talk to Tim first and if they are willing, he will get with King.

King stated the first step would be a field visit by the Army Corp. and he would go ahead and schedule that.

PUBLIC MEETING: SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 8 MILES SOUTH OF GLENWOOD SPRINGS ALONG COUNTY ROAD 117. APPLICANT: BUCKEY ARBANEY

Buckey Arbaney, Don DeFord and Mark Bean were present.

Don determined adequate publication and notification was in order and advised the Board they were entitled to proceed. Don indicated one of the land owners claimed that they did not receive a legal description. They have the notice without the legal.

The Board determined that notice was adequate.

Mark stated this is an exemption from the definition of subdivision on a 140.62 acre tract of land located approximately seven (7) miles south of Glenwood Springs, off of CR 117.

Recommendation:

Staff recommends APPROVAL, with the following conditions of approval:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lot, 25 ft. wide access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities. The spring easement shall be a minimum of 10 feet wide along the water line and 20 feet square around the spring.

That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.

That the applicant shall submit \$200.00 in School Site Acquisition Fees for the creation of the exemption parcel.

That the following plat notes shall appear on the Final Exemption Plat:

"Control of noxious weeds is the responsibility of the property owners."

"One dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owners property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

6. Prior to the approval of an exemption plat, the applicant will demonstrate that the spring will meet the following:
  - 1) That a four (4) hour pump test be performed on the well to be used;
  - 2) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
  - 3) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing drawdown and recharge;
  - 4) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;
  - 5) An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
  - 6) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.
  - 7) If the spring is to be shared, a water sharing agreement will be filed with the exemption plat that defines the rights of the property owners to water from the spring.

*Chairman Smith* asked that the standard wildfire mitigation be added as a condition.

*Bucky Arbaney* corrected the following: 2B - correction on access; 3A - 2nd paragraph - "one other split" - that this was a natural topographical split and wanted that included for the record and would be eligible for one more split according to the way he interprets the regulations.

*Mark* indicated one split was being noted but technically there were exemptions and this one would qualify for an additional split. An argument that one of the other splits was not subject to the four split regulation per the present regulations.

*Bucky* also commented that he would like the availability of making the lot larger, up to 10 acres. He wants to create one easement for sure so he can put a water line across.

*Don* stated this is a call for the Board but whatever size of the lot, it should be included in the Resolution or letter for approval and a well-sharing agreement. And the agreement require that a certain minimum flow is reserved to each parcel.

*Mark* added to Number 7 under Condition No. 6 "at least 5 gals per minute dedicated to it." and "the size of the lots not to exceed 10 acres."

*Commissioner McCown* moved to approve the exemption on the parcel as described along County Road 117 meeting the recommendations by staff also to include the wildfire mitigation and to include Section B 7 become 6 and make sure these are included in the spring sharing agreement and the corrections made by the applicant as well. Commissioner Martin seconded; carried.

PUBLIC HEARING: SPECIAL USE PERMIT FOR THE SHOSHONE/GLENWOOD SPRINGS ELECTRIC TRANSMISSION LINE UPGRADE. APPLICANT: PUBLIC SERVICE COMPANY OF COLORADO

Don DeFord, Eric McCafferty and Michael Beal were present.

Don determined that adequate and proper notification and publication was in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore the speakers in.

Eric submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Letters from land owners; Exhibit E - Project Information and Staff Report; Exhibit F - Zoning Resolution of 1978 as amended; Exhibit G - a copy of the Comprehensive Plan Study Area as amended; and Exhibit H - letter from Gamba.

Chairman Smith admitted Exhibits A - H into the record.

Public Service presented displays.

Eric - This is a request for a Special Use Permit for an electrical transmission line upgrade on an easement located in the Spring Valley geographical area, east of Glenwood Springs.

Eric reviewed the staff report reading into the record the major issues and concerns.

Recommendation:

Staff recommends APPROVAL of the application and development of the Proposed Action, as identified with the Environmental Assessment and Administrative Record, pursuant to the following conditions;

That all proposals of the applicant made in the application and at the public hearing with the Board of County Commissioners shall be considered conditions of approval, unless specified otherwise by the Commissioners.

All fuel storage shall be in compliance with state and federal regulations governing this type of storage. The applicant/operator of the site shall file an emergency management plan with the local fire protection district and the Garfield County Office of Emergency Management.

The minimum defensible space distance for structures and storage tanks containing fuel shall be at least 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners." (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade.

It shall be the responsibility of the applicant/operator of the site to control noxious weeds on the site, within the easement.

The applicant shall consult with the Road and Bridge Department concerning any lane or road closures that would occur on Garfield County roads, and receive any required permits, prior to closing or limiting access along County Roads.

The applicant shall adhere to all construction and management practices contained with the Environmental Assessment and Administrative Record submitted with the application in this permitting request.

Construction timelines and schedules shall be consistent with the Division of Wildlife letter dated January 28, 1998. If changes to this schedule are necessary, then the applicant shall consult with the DOW and shall follow procedures outlined by DOW.

*Michael Beal* walked through the presentation and stated that in the Spring of 1996 they realized they needed to provide an upgrade to the system in Glenwood Springs. For all the reasons he mentioned in the presentation they did not consider re-building the line from the Shoshone Dam nor the Hwy. 82 Corridor. The study area space was pointed out and an area of impact. After looking at the study area Public Service did a resource mapping, held public workshops to solicit input and in September 1996 put together an alternatives list and identified those. It was at this point that they decided to move the line further north coming across Lookout Mountain. Since the Spring of 1997 negotiations have been ongoing with affected landowners and after permits have been acquired, negotiations and settlements will be finalized and construction is proposed to begin this Spring and end this Fall. He addressed the letter from the Gamba's stating they were very sensitive about the drainage in this particular portion and stated there will be no construction

on the top of that hillside at all. He went on to explain how the holes will be dug by hand and poles dropped in by helicopter.

*Michael* thanked the Spring Valley Caucus - Mike Sullivan; Gary Osier - representing both BLM and Forest Service; Eric McCafferty and Planning Staff of the County; Greystone Graphics; Hal Terrell of Spring Valley Holdings; Wayne Rudd, Tom Zancanella and Wayne Shelton; Colorado Mountain College for sponsoring the workshop; Jim and Sharon Nieslanik; and the City of Glenwood Springs.

*Bob Cutter* - commented that his concern was for the debris flow at what is commonly called the "hospital gulch."

*Michael* addressed the concern of abandoning Shoshone saying they still needed this line. The hydro facility does not provide all the power necessary to run Glenwood Springs. The power that runs through Shoshone was explained.

*Commissioner Martin* clarified that Public Service was not going to leave a big scar.

*Michael* stated that directly under the conductor, a width of about 48 feet, trees will be topped (if its a pine it will be topped), if it's an Aspen - it will probably be removed. What is defined as danger trees will be removed, (one that may leaning, about to die, or dead will be removed.) The right-of-way will not be cut.

*Gary Osier* representing Bureau of Land Management and the Forest Service addressed the questions raised with respect to the trees to be removed or topped.

*Dean Moffat* of 901 Blake Avenue - spoke to his area of concern from essentially the East side of the line and the geologic conditions and visual appearance.

*Michael* responded that nothing North of the River will change. These upgrades do not include West Glenwood, through Rifle.

*Robin Milyard* of the City of Glenwood Springs commented that their goal is to protect the interest of the gulch. There will be disturbance and they will monitor within the corporate limits.

*Tom Zancanella* - 1465 130 Road property owner on Lookout Mountain inquired about the long range plan to remove the line in the Glenwood Canyon.

*Dan Harrison* 1632 Lincoln - clarification on the replacement of existing lines in segments F & G stating that it appeared the new poles were larger and taller and the question is will they be in same location or will the spans be different.

*Michael* answered that where poles can be eliminated, they will and no new poles were planned to be added.

*Danny Kurestan* - Public Service 550 15th Street Denver - at this point and time they have not designed the portion along the East side of town. Approximately 15 structures between the two sub-stations and of those 11 are angle points. There are a couple of long spans in there where he hopes to span completely but will not commit to that at this time. Hopes to replace it one for one.

*Patricia Richards* - lives right above the sub-station in North Glenwood. She has a lot of allergy problems and wanted to know if other letters had been sent, she only received one notice.

*Bob Cutter* - added the East/West construction out of the Roaring Fork Subdivision will be outside the City Limits, on City owned property. Anything outside the City Limits would be the County's problem to enforce.

*Marsha Moore* - 1902 Palmer

*Chairman Smith* swore her in.

*Marsha* - stated her concern was the poles. She just purchased the home a week ago and in all the deed work it stresses geological hazards, therefore she was concerned about the impact at the hospital gulch.

A motion was made by Commissioner Martin to close the Public Hearing. Commissioner McCown seconded; carried.

Commissioner McCown made a motion to grant the Special Use Permit for an electrical line upgrade as described in the packet, considering the recommendations of staff 1 - 7.

Commissioner Martin added he would like to address the erosion and possibility of drainage

issues that have been raised here today numerous times. Is there anything in the recommendations that can address this.

Michael stated one of the staff's condition or statements in the report is that anything committed to or stated in their application is binding to them. There are a number of areas within the administrative record especially soil and erosion control addressed on page 2-11; 3 -16; and construction practices and mitigation 2-7 through 2-12 monitored by this Board.

The motion was seconded Commissioner Martin.

Chairman Smith added that she can't stress enough for them to follow every recommendation on erosion.

Vote - Motion carried.

**CONTINUED PUBLIC HEARING: ZONE DISTRICT AMENDMENT MODIFICATION FOR THE PERSHANNA FARM PUD LOCATED 3 MILES EAST OF CARBONDALE ALONG COUNTY ROAD 100. APPLICANTS: HENRY AND LANA TRETTIN; BRUCE ROSS**

Eric McCafferty, Ron Liston, Bruce Ross, Henry and Lana Trettin and Don DeFord were present.

*This is consistent with the efficient development and preservation of the entire PUD, does not affect in a substantial adverse manner either the enjoyment of land abutting upon or across a street from the PUD, or the public interest, and is not granted solely to confer a special benefit upon any person.*

It is this staff's opinion that the approval of the proposed modifications to the existing PUD plan would not be consistent with "*the efficient development and preservation of the entire PUD*," as required by regulations. Staff maintains, that approval of this request would "*confer a special benefit upon [a] person*" for the simple fact that the applicants' requested density increase results in Garfield County subsidizing the equestrian facilities, without any guarantee whatsoever that the equestrian facilities would remain operational.

Additionally, the modifications to the PUD are not in the public interest as the *Goals of the Comprehensive Plan* would not be met in the following areas:

Housing: The employee housing (considered to be "affordable") would decrease from 10 units to 3 units, with the remaining housing priced to appeal to the upper-range of the housing market; the increased density and lot sizes results in the increased conversion of open space;

Transportation: The increased density in the PUD will contribute to more traffic congestion on County Road 100 and State Highway 82;

Commercial: The viability of the equestrian facilities currently occupying the site is not ensured and could readily be replaced by a less than exclusive golf operation, which may be even more of a commercial liability than the equestrian facilities.

Recreation and Open Space: It would seem that initial sales within the PUD would be marketed to people who would be interested in utilizing the equestrian facilities and associated open spaces; however, these could be extinguished at the whim of the owner of the question facilities, with the resulting golf course having absolutely no relationship to the former recreational and open space uses;

Agriculture: A golf course would not, in any fashion, resemble the current equestrian and agricultural uses of the property.

Water and Sewer Services: At this time, no wastewater services are ensured for either the new or old PUD.

Natural Resource Extraction: The property very obviously overlies the alluvium of the Roaring Fork Valley and the platting and development of the property would result in losing the aggregate resources underlying the property.

Urban Areas of Influence: Although the site is not within the statutory urban area of influence of the Town of Carbondale, the Town has commented that the development encourages sprawl and is the antithesis of the Comprehensive Plan for Study Area I.

Staff submits further that the provision for a par-3 golf course is *incompatible* with the equestrian uses of the PUD, which violates Section 4.06 of the PUD regulations. Based on many of these reasons, staff recommended to the Planning Commission denial of the PUD modifications. Contrary to this recommendation, the Planning Commission, with a vote of 5 - 2 recommends approval of the modifications pursuant to the following conditions:

That the application conform to all current Planned Unit Development requirements and subdivision requirements concerning limitations on dogs and the "Aspen Glen" wood stove regulations.

That there shall be no more than 47 single family dwelling units and no more than three (3) employee housing units.

That all requirements contained in Don DeFord's letter shall be met, specifically the sewage disposal requirements.

Depending on the Board's disposition in this matter, the Board is required to make specific findings, relative to its decision of approval or denial. In the event the Board accepts the Planning Commission's recommendation, staff suggests the following findings would be appropriate.

In a previous motion, the Board stated a decision would be made by February 17, 1998.

That there shall be no more than 50 dwelling units, total. These units shall be allocated in the following manner:

47

single family residential units (detached); 3 employee housing units.

That a fully-executed contract from the wastewater facility operator or provider, for a wastewater treatment facility serving the Pershanna Farm PUD, shall be finalized no modifications. That contract shall provide a mechanism by which the residents of the Pershanna Farm PUD will participate in the operation of the wastewater facility.

Although Section 4.09.01 of the Garfield County Zoning Resolution requires commencement of development within one (1) year of approval, the Board acknowledges that the provision for wastewater treatment service will likely require a waiver of this standard. Therefore, a subdivision preliminary plan must be submitted no later than 18 months from the date of approval of the PUD modifications.

If no such preliminary plan application is submitted,

*Ron Liston* - gave an overview of the project and added that no golf course has been planned. He added that the open space will be controlled by the homeowners.

It is to give flexibility to the homeowners allowing them space as how they maintain their open space. Sewer - the Ranch at Roaring Fork will provide services. An agreement has been reached but not signed. He added that he did not agree with the staff's recommendations.

*Commissioner McCown* clarified in revising this PUD there was quite a reduction in labor in managing this facility. It has gone from 10 - 3 employee housing unit.

*Bruce Ross* - 2 employees live on site currently.

*Chairman Smith* - noted that the open space decreases and an increase in the dwelling units.

*Tom Zancella* - the water will be wells either an independent system on its own or a joint system with Ranch at Roaring Fork - a central type system. The water supply would be backed up with Basalt contracts.

*Commissioner McCown* - questioned as there are no wells drilled and there is no agreement with Basalt water. Today there is no water.

*Ron* addressed this issue and stated it was his understanding and suggested it should be a condition imposed, however it has been their understanding from the beginning that water would be provided by Basalt and/or Ranch at Roaring Fork and contracts are available.

*Martha Densmore* - Stagecoach Lane - referenced the real estate showing the Aspen Times of February 7 & 8, 1998 where Pershanna Farms is for sale. Is Pershanna for sale? She also commented on the density issues.

*Ron Liston* - commented that a piece of property does not come off the rolls until there is a closing.

*Bruce Ross* - added that closing depends upon other issues being settled.

*Chairman Smith* swore in the speaker.

*Bobbie Tucker* - 0369 Ranch at Roaring Fork - curious to know who signed from Ranch at Roaring Fork with respect to the water.

*Chairman Smith* answered Mr. Halloway - signed it.

*Bobbie* - When they had approved before for Pershanna joining their wastewater plant, she felt there was going to be far fewer units than the new project that has just come on board and she was not aware that her Board had approved the new section with the 59 units.

*Chairman Smith* corrected her that it was not 59 units.

*Commissioner Martin* moved to close the Public Hearing. *Commissioner McCown* seconded; *Don DeFord* commented for the record that he wanted to make one statement. The staff recommendation indicates that the Planning Commission ask that they comply with the sewage disposal requirements and as Mr. Liston has addressed here, Don wanted to make it clear with the Ranch at Roaring Fork they are no longer proposing a St. Finnebar Sewage Treatment Facility so that makes his comments moot and no longer applicable, therefore this condition does not apply. Motion carried

*Commissioner Martin* made a motion to deny this based on the staff finding adding that the PUD does violate the density set down by the Garfield Comprehensive Plan and it is pointed out not only in the staff but also in The Town of Carbondale note and the concerns of Mt. Sopris soils district for erosion, negative impacts on wetlands, ag lands, and the decrease in open space being inconsistent with the comp plan.

Motion died for lack of a second.

A motion was made by *Commissioner McCown* to approve the PUD modification for Pershanna Farms PUD and would like to include on page 6 recommendation 1, 2 delete 3 add 1 - 7 under findings; and starting on page 4 middle of the page delete No. 9 single family dwelling, 2 family multi-family dwellings and replace with employee housing units either attached or detached - delete the provisions for day nursery, indoor and outdoor golf driving range and club house shall be allowed as special uses. Delete allowances for athletic facilities and tennis courts. These deletions are part of it. Add No. 13 - stating that some type of a contract or agreement for water rights and supply must be in place with a municipality or district as provided and I'm not sure we have the operator under No. 5 could also be an operator or district (Don agreed this would be right - this includes Ranch at Roaring Fork or the district).

Don asked with supply that they include the same language with water as he did with sewer that it be operator or district, where we originally said municipality or district which would exclude the Ranch at Roaring Fork or well. So *Commissioner McCown* you wanted it to be either or for the water rights and the waste water.

*Commissioner McCown* added that he had no intentions and didn't think it was the intentions of Pershanna Farms to build a wastewater treatment facility.

Ron - correct and if he wanted to include that restriction that was fine.

This was clarified.

Don stated the language in No. 5 as modified for wastewater is adequate, the operator covers the Ranch at Roaring Fork. The Ranch at Roaring Fork is an operator of their wastewater facility, aren't they?

Tom Zancanella commented they were verging on a definition of a Colorado licensed operator and Ranch at Roaring Fork is not.

Don - agreed.

Don then suggested that Condition No. 5 contained this suggested language - "that a fully executed contract from a wastewater facility owner including a district for wastewater treatment facility."

Chairman Smith inquired about No. 6 - do we even need No. 6 other than the first line?

Don - yes - normally they would have to come, start their first phase of development within one year. This was discussed at Preliminary Planning and in addition to a contract, there are questions of site approval, contracting, questions that have to be resolved and some of them have to go through State and local governments - 18 months is appropriate. The Ranch at Roaring Fork is still going to have to come in and modify their plat, so....

Nick Goluba stated "a fully executed contract for the wastewater facility owner or district to provide wastewater treatment."

Don agreed this was better.

Nick Goluba - "to provide wastewater treatment serving Pershanna."

Don - better, yes. Then on water, No. 13 suggest - "execute a contract providing legal water rights sufficient to support the water supply for this the Pershanna Farms PUD" and add #14 a separate provision - you don't need another one because our own PUD regulations require Preliminary Plan require them to have either a contract in place or to provide services for -

Eric - stated he had no additional changes.

Ron Liston stated for clarification purposes, on Item No. 4 - I think and it's clear to me that 47 units are within the two residential districts and the 3 employee housing units are in the equestrian area.

Commissioner McCown - this is how I understand it.

Ron - there would be 2 and 1.

Commissioner Martin - seconded the motion.

Vote:

Martin - nay; Smith - aye; McCown - aye.

Commissioner Martin stated he had to go by his conscience. The master plan that we have in place, the Comprehensive Plan needs to be followed and this is not following that and thinks the Board is going outside the realm. We need to change the comp plan before the Board makes these kinds of decisions.

PUBLIC HEARING: FOUR MILE RANCH SUBDIVISION - PRELIMINARY PLAN - LOCATED SOUTH OF THE CITY LIMITS OF GLENWOOD SPRINGS OFF OF COUNTY ROAD 117.  
APPLICANT: FOUR MILE RANCH DEVELOPMENT COMPANY.

Mark Bean, Lee Leavenworth and Don DeFord were present.

Don reviewed the affidavits on notification and determined publication was adequate and the Board was entitled to proceed.

Chairman Smith swore in the speakers.

Mark submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Proof of Publication; Exhibit C - Returned Receipts; Exhibit D - Project Information and Staff Report; Exhibit E - Subdivision Regulations; Exhibit F - Copy of the Garfield County Zoning Resolution of 1978 as amended; Exhibit G - Copy of the Garfield County Comprehensive Plan for Study Area I; Exhibit H - Resolution No. 97-111 - Road Impacts; Exhibit I - Letter from the City of Glenwood Springs Planning Commission; Exhibit J - Letter from Colorado Geological Survey; Exhibit K - Letter from DOW; Exhibit L - Letter from School District RE -1; Exhibit M - Letter from the Division of Wildlife Resources; Exhibit N - Letter from Garfield County Road and Bridge; Exhibit O - Letter from Katherine Lucas and Ray Morgan (2 letters); Exhibit P - Letter from Jerry Glassnap ; Exhibit Q - Letter from Bershenyi Family; Exhibit R - Letter from Alan and Katherine Nelson; and Exhibit S - Letter from Historical Society (2 letters).

Chairman Smith admitted Exhibits A - S into the record.

Mark stated this is a request for Four Mile Ranch Subdivision Preliminary Plan on a 138.773 acre tract of land located south of Glenwood Springs off of County Road 117.

The project is proposed to split the tract into 58 single-family lots averaging just over two acres in size.

Recommendations:

The Planning Commission recommended APPROVAL, subject to meeting the following conditions of approval.

All representations of the applicant, either within the application or stated at the public hearings before the Planning Commission shall be considered conditions of approval unless otherwise stated by the Planning Commission...

The common open space easement shall be transferred from the developer to the Homeowner's Association at the time of filing a final plat. The proposed public trail will be owned and maintained by the homeowners association until such time that a public entity willing and capable of taking ownership is established.

That the road name change suggested by the Glenwood Springs Emergency Services Department be incorporated in any final plat submittal.

At the time of each Final Plat approval the applicant's engineer submit plans for one upgrading of CR 117 to the intersection with Midland Avenue. The plans will be approved by the Board prior to recording of the plat. A fee shall be paid to the County in an amount equivalent to \$2030 pursuant the road impact fee formula adopted by the County less the cost of roadway improvements agreed to as a part of the Final Plat approval.

That the lots contiguous to the Bershenyi ranch have building envelopes at least 200 feet from the common property line and that a cattle fence with woven wire along the bottom of the fence, be built along the entire section of the project.

Include the following plat notes on any final plat:

(A) Prior to the issuance of a building permit, the owner of each lot shall prepare and submit a soils and foundation report, a grading and drainage plan, and a geologically acceptable building site prepared and certified by a professional engineer. All improvements shall be constructed in accordance with such engineering recommendations, which shall be a condition of Four Mile Ranch Architectural Control Committee approval and the building permit.

(B) The agricultural uses of properties south of this subdivision shall be deemed exportable with the rural residential character of the subdivision. Such agricultural uses may produce odors, noise, dust and other effects of agricultural practices that are offensive to residential use proposed by this subdivision. The established agricultural uses adjacent to the subdivision are pre-existing and are deemed to have priority over any subsequent residential use within the subdivision.

(C) No open hearth solid-fuel burning fireplaces will be allowed anywhere within this subdivision. All dwelling units will be allowed unrestricted number of natural gas-burning fireplaces or appliances.

(D) All dwelling units will be allowed no more than one new wood-burning stove as defined by C.R.S. 25-7-401, et. seq. and the regulations promulgated thereunder.

(E) Only one dog is allowed for each dwelling unit.

(F) All exterior lighting shall be oriented downward and inward, to prevent glare on adjoining property.

In connection with the Final plat, the applicant shall set forth the proposed method for transferring legal ownership and control of the water distribution facilities, water and water rights, sufficient in quantity to service the Four Mile Ranch Homeowners Association.

At the time of Final plat, the applicant shall be required to pay the applicable school site acquisition fee that has been agreed to by the Board of County Commissioners.

All property owners will be given a copy of the County Subdivision "Right to Farm" policy included in the County Subdivision regulations.

The applicant shall protect the ditches on the adjoining property from damage and provide a mechanism to guarantee that the subdivision will participate in the maintenance of the ditch.

Comments:

The Board clarified the number of units 58 or 59?

Answer 58.

Lee Leavenworth - Attorney for the Four Mile Ranch Development Company - Sonny Vann, the Planner, Joe Hope the Engineer; and Tom Zancanella the water and wastewater engineer on the project and Brian Barnes Project Manager for the Four Mile Ranch Development were introduced.

*Sonny* made his presentation stating that the preliminary plan and application before the Board today addresses all the technical issues which have been identified by the staff to date. The plan has been in the process for quite some time and has been revised on several occasions to address specific issues which were raised by the staff or by the Planning and Zoning Commission. As *Mark* pointed out, the revised plan received a recommendation of approval from the Planning and Zoning Commission on January 14. Exhibit 3 - a reduction of the larger one being held up for review. He added that *Mark* has given a summary of the overall project. He summarized the key aspects of the projects repeating some of what *Mark* provided.

*Lee Leavenworth* commented the open space parcel that was proposed to be given to the City is adjacent to other city owned property in the area and they also provide river access to the Roaring Fork River that they did not have without this piece. In addition, they agreed with the City to provide some parking spaces on this parcel to make for better access. When this open space access was developed, they tried hard to protect the portion of the project that was adjacent to the County Road. They set the project back from the County Road. They included a 240 foot restriction on the South side adjacent to the South property owner. The other important thing to remember is that about 70 - 80 acres of the property is irrigated with water rights from the Four Mile Ditch. These water rights will be conveyed to the homeowners' association and as part of the public improvements they will be constructing a pressurized irrigation system that will serve all the lots so that they will be able to maintain the project. The County Road fee - they are willing to do everything to the specifications.

Exhibit T - was submitted - a letter to clarify 3 of the Planning & Zoning conditions that modifies paragraph 5 as to what kind of cattle fence.

*Chairman Smith* - admitted Exhibit T into the record.

*Joe Hope* - High County Engineering - identified where the water storage was located saying it was between Lots 35 and 36.

Commissioner *McCown* inquired as to where does the overflow go - where is the swale?

*Joe Hope* - a culvert under the road.

Commissioner *Martin* - inquired as to the open space to the City; is this the old landfill?

*Chairman Smith* asked that there be a change in the wildfire in the plat note to be stronger than "wherever practical."

Commissioner *McCown* - asked about the 200 foot buffer for dust control. He added as a condition that some dust mitigation be done during times of construction.

*Chairman Smith* - commented and stated that *King* addressed it in his letter on the location as you are coming up that hill. This is a bad place for congestion and suggested a turning decel left hand turn lane.

Open to the Public for Comment

*King Lloyd* - stated he had 2 items highlighted - one is the need for a turn lane for traffic up the Four Mile Corridor and the road re-built.

Commissioner *McCown* - asked *King*, saying he was hearing two different things, the developer would either pay the fee or do the road improvements.

*King* stated that he would propose that they do the work to the County's standard.

*Don* - commented if the developer is doing the work on the County Road then it must go to a bid project as well.

Discussion continued with respect to the turning lane and how it creates right-of-way problems.

*Joe Hope* commented that he could reduce the shoulders to accommodate the turn lane.

*Don* asked if the applicant would agree to dedicate sufficient right-of-way to accommodate a turn lane.

*Lee* - in the form of easements. He stated it would mess up their lots.

Commissioner Martin asked Joe - there were several arguments about the size of the lots adjoining the agricultural land which is just South - Bershenyi's. How did you guys discuss this smaller lot size down to 2 acres instead of the 6 acres that it was supposed to be.

*Joe* stated the building envelope really wouldn't change regardless of the size of the lot so they would attempt to keep the same number of lots and same number of units just the actual acreage would be larger. So the argument was the buffer and the distance between the building and the adjacent property. The fencing issue was addressed and reconfiguration of these lots to provide a continuous open space buffer.

*Dave Sturges* addressed his concern regarding the school bus and how it will pick up the children and whether or not the bus would go into the subdivision.

Commissioner Martin - asked if the Homeowners Association has to exist before the final plat.

*Lee* stated that until the final plat, the developer is the homeowners association.

*Dave Sturges* - asked as to the date of the approval of the Resolution does the applicant have 12 months unless extension for one other 12 month extension is granted at the Board's discretion? If the 24 months runs is there an automatic termination of the Resolution where they have failed to comply?

*Mark* - if the 24 months were to run, at that point it was at the Board's discretion and if they had any special concern be obligated to re-open the hearing.

*Dave* - added that this should be spelled out in the resolution that there be no confusion in order that the 12 months period is clearly understood and is a condition of the Resolution approving and that if there is some authority for a 12 month extension that this be cited and acknowledged and that some language be included which would clarify what the County would be expected to do relative to the legal validity of that Resolution upon a finding of non-compliance.

*Lee* - asked to be treated as you treat all other subdivision applications under your code to the extent that there is a process in the code for such matters and we are bound to it as a general County regulation. The explicit authority in your code, to the extent that you want to make it more explicit, change the code otherwise, we prefer to be treated as everyone else.

*Dave* - added he was suggesting the County key in and memorialize that regulator requirement as it exists today in specific language in the Resolution and that it not be left to be debated really later.

*Don* - if the Board wants to include a reference to the actual code provision you could do that. However, at this juncture, Don did not believe the Board had the authority to go ahead and impose those more stringent requirements of this applicable.

*Lee* - agreed if the Board wanted to cite the applicable language, that's fine.

*Dave* - that is all he is asking is to clarify with whatever language the County Attorney is comfortable with, the applicant's comfortable with, that clarifies what is the process in the time period.

*Steve Smith* - 163 - 116 Road directly North of this proposed development over the hill. He stated he wanted to make a comment and also hear all the other comments on this. The points that he wanted to raise have already been covered in part. The land proposed for the development is an incredible piece of land with its natural vegetation and this current proposal comes a long way in preserving the area. The benefit is the effort to preserve agricultural. It falls short in a few key point. Buffers and good fencing; the other kinds protection including the open space easement along the ridge; an attempt to preserve the wildlife; and no grading on the green portions of the plat are some of those attempts. He especially asked that the least disturbance to the native vegetation be maintained and to keep the Oak grove undisturbed.

He added that he would like to see Lots 37, 38 and 39 eliminated.

*John Bershenyi* - 2833 County Road 117 - the game fence they propose will not work for cows nor will it keep the blowing trash on their side and suggested that two more strands of barred wire needed to be added.

*Commissioner Martin* - asked John Bershenyi if he was satisfied.

*John Bershenyi* - yes

*Commissioner Martin* - asked if this was a detriment to his way of life.

*John Bershenyi* - if it went to the City is would be worse.

*Lee* - responded that even if the City annexes, these conditions still apply.

*Commissioner Martin* asked about the water.

*John Bershenyi* stated no that he hopes to agree on water such as 5 on and 5 off.

*Commissioner Martin* - Condition No. 4 it stated is the time when the Board approves the engineer's final plat, at final plat everything seems to be in operation and construction is over.

*Don DeFord* - responded no, at final plat they will submit their final drawings prepared for construction and it varies as to whether they have started construction or not. A subdivision such as this Don added he wouldn't expect them to have started construction at all before they submit final plat.

*Lee* added they certainly wouldn't be doing work off site before.

*Commissioner Martin* wanted this clarified due to the transfer being made to the Homeowners' Association.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

Commissioner Martin stated he has a problem with this in trying to overcome this lack of staging development and putting the urban next to the agricultural land. He also has a problem with the density and should have more space between the urban and agricultural. This does not conform to the Comprehensive Plan. He added that he wanted to let them know his opinion up-front.

Commissioner McCown made the motion to approve the Four Mile Ranch Subdivision Preliminary Plan with recommendations from the Planning Commission starting on page 12 in the packet and added he didn't see anything in there that addresses Wince's concern on the fencing. I know it was addressed in the letter.

Mark - we have the proposed condition and approval in No. 1 and they are proposing a 48"....

Commissioner McCown - Wince is talking about doubling that. Are we talking about the same fencing? What Wince does with the high fence and the developers will be something else. What we are negotiating here is the boundary fence that DOW is going to agreed to that turns loose cattle at Wince's.

Lee - the simplest resolution of this is maybe let the developer and adjoining property owner work out the condition.

Commissioner McCown - didn't have a problem but he wanted it clearly as a condition of approval that the adjoining property owner is in agreement with the developer on the type of fence and that it's compatible with what DOW will also approve.

Lee - as long as they have the ability at final plat to say well the 100 fence just won't cut it.

Don - this is the worse case where you hope it works out and it doesn't so it really is better for you and the staff if we can arrive at limits.

Commissioner McCown - I would say a fence not to exceed 8 foot high.

Mark stated that they proposed to modify Condition No. 5 - that a cattle fence with woven wire shall be 48" high and this is the same fence, correct.

Lee added they were willing to add 6" of barbed wire, barbed wire every 6".

Don added - a condition of approval should be not less than the standards set forth in the suggestion that Lee Leavenworth has and not more than 8 feet of woven wire

Commissioner McCown - mesh or woven wire would catch the trash and keep the kids out.

Lee - we can work this out; that's fine.

Commissioner McCown - that would be No. 11

Mark - actually just modify No. 5 to read

Commissioner McCown - with woven wire along the bottom of the fence.

Mark - a fence not to exceed a minimum standard of 30" of woven wire, three strands of barbed wire, at 6 inch centers and not to exceed 8 foot in height.

Commissioner McCown - That was the only ones he had other than the dust mitigation during construction time.

Mark - yes, all construction activities will have dust mitigation included. Also there was a note here, wherever practical be removed from the wildfire...

Don - we also had a left hand turn lane - I believe the applicant agreed to dedicate sufficient easement rights.

Lee - if I have to.

Commissioner McCown - I think that's going to be a have to.

Mark - King also asked that they consider grade reductions....

Lee - the road would have to be approved by the Board. I would also like to ask if we could include my other two conditions. One the title company asked for so he could change his plat note to reference recording that on the covenants and then he'd be allowed to amend the covenants to include some clarification on ditches that are outside the property line.

Mark - yes, staff agrees.

Don - paragraph 4 - it refers to each final plat - I don't think there are phasing plans.

Lee - no.

Don - the design at final plat consist of recommendations for school bus, pick-up and drop off.

Commissioner Martin stated this would have to be agreed to by the school district. There are some areas they will not do that.

Mark - do you want me to include the section in the subdivision regulations regarding the 12 months- 12 months.

Don - it's 4.34 I think.

Commissioner Martin seconded the motion.

Vote:

Martin- nay; McCown - aye; Smith - aye.

Commissioner Martin reiterated that the density is too great and non-conforming nor compatible with the Comprehensive Plan and will stay consistent saying no.

### ***Fairgrounds Contracts***

Commissioner Martin moved to approve the Chair to sign the Fairground Contracts for AAK. J Auction Service for March 9 - 17, 1998 for - \$80. Commissioner McCown seconded; carried.

Adjourn 7:08 P.M.

Commissioner McCown moved to adjourn. Commissioner Martin seconded; carried.

**Attest:**

**Chairman of the Board**

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**FEBRUARY 17, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, February 17, 1998 with Chairman Marian Smith and Commissioners John Martin and Larry McCown present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

COUNTY ADMINISTRATOR

Chuck Deschenes gave his report.

***Subsidized Housing - West Glenwood Area***

Chairman Smith inquired about the subsidized housing in West Glenwood Springs.

***Rural Resort and Legislative Action***

Chairman Smith stated she has all the information on the Rural Resort Benchmark Report; and the bill that Russell George has adopted.

Commissioner McCown stated they are doing things differently, holding the bills in appropriations until the long bill comes out.

Discussion.

***Insurance Board - Update***

Chairman Smith attended the Insurance Board and mentioned that New York has a 5.6% surcharge on health care and now Massachusetts is putting one on also. If you go out-of-state, you pay. She stated the health pool voted not to pay a fee to Massachusetts at this time.

***Intergovernmental Agreement between the Five Counties***

Chairman Smith indicated this is the one given to Don to review and there are some new drafts which included that new development to have 25 units valued at more than \$500,000 or more before it would be changed; or the creation of 25 new jobs. It is a matter of notification and will not delay the land use process.

***Insurance Cards***

Chairman Smith stated the permanent insurance cards should be here in March. They are also still having problems with people not pre-certifying.

***Fairgrounds - Grading***

Chuck stated that King Lloyd, Lee Moss and Sam Phelps met at the Fairgrounds and discussed the grading. On the grading plan, where the new covered Arena is proposed, Sam proposed to hold off on that. Because of the trees, this will probably require some handwork.

***Road and Bridge - Trucks***

Chuck stated on the 19th he has a meeting with Mike McBreen, King Lloyd and the foreman and they will be finalizing the specifications on the trucks. It is a longer process than Chuck first planned.

Discussion.

***CAPP Meetings***

Chuck will be in Denver on Thursday and Friday for the CAPP meetings. He will put out a memo as to who is in charge of signing checks, etc. in his absence.

### ***Airport***

#### ***Health Permits***

Chuck reported on the problem at the Airport with the Department of Health due to permits. This permitting occurred during the late 70's and early 80's. Chuck stated he would be going there while in Denver to meet with Isbel and Associates and attempt to obtain a set of the drawings and review the engineering notes.

#### ***Glide Scope Certified***

Chuck stated the FAA has come up with a plan to try and get the glide scope certified. About 1 1/2 years ago, the Airport purchased some electronic equipment from Stapleton for about 30% of what it would have cost to purchase new. The FAA has been working with our consultants ASMI - Aviation System Management Institute - to try and figure out where the best location is to reduce interference with other electronic equipment. Around the end of the month they will be doing a test on our equipment.

Chuck explained all the activity at the Airport with new businesses and indicated there has been some on-going controversy.

#### ***Ground Transportation***

Ground transportation remains a problem with the Airlines. Some of this may be competitors out of Grand Junction. Usually the Airlines handle this. This year there was a meeting between the two to work things out.

### ***Hans Bleeker***

Chairman Smith commented that she noted in the January 26 minutes there might be interest in attending the Hans Bleeker sessions in Pitkin.

Chairman Smith stated that she would not be going.

Chuck stated he was not attending either.

### ***Lift-Up House - Update***

Chuck indicated that he has Dale working on this and the first thing was to re-contact the fire department to see if they were going to use it as some sort of exercise. The second step will be to put it out for salvage bid because there is a furnace and some old door furnishing and windows may be of interest to folks; and the third step will be the demolition of it.

### ***Department of Local Affairs - Community Block Grant***

Chairman Smith stated she had the paperwork on this Community Block Grant.

Chuck stated that this was Analee and the other for the Senior Housing.

### ***Support for New Castle - Subsidized Housing Proposal***

Chuck stated that New Castle is upgrading their wastewater system and in connection with that Scott Balcomb asked for a letter of support from the Board for the concept of his subsidized housing proposal.

Commissioner Martin stated the Board should go ahead with support of the concept of subsidized housing and New Castle upgrading their system.

### ***Energy Impact Grant***

Chuck explained that the State had combined the Energy Impact Grant and the Community Development Block Grant process and these have the same submittal dates. The funds are separate.

Commissioner McCown made a motion to authorize the Chair to sign a letter of endorsement in concept for Scott Balcomb for the subsidized Housing proposal in New Castle. Commissioner Martin seconded; carried.

***Jerome Park - Letter of Endorsement in Concept***

Chuck stated he had the letter of endorsement in concept on the conservation easement in Jerome Park, Carbondale for the Board to review.

***Motor Grader and CDL Requirements***

Chairman Smith submitted a statistical update on the motor grader and CDL requirements. She indicated this is what came out of those meetings.

Chairman Smith stated she wanted to discuss the new material on the Road Scholars with King on his time today.

***Carbondale Comprehensive Plan***

Commissioner Martin stated that Mark Chain in Carbondale wanting to talk to the Board individually about how the two developments, TeKeKi and Aspen Crystal River Properties, will affect their Comp Plan.

Chairman Smith stated this should be on the record.

**PAYMENT OF BILLS**

The Claims against Garfield County were presented for the Board to review and approve. A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the claims against Garfield County; carried.

***Use of Purchasing - District Attorney***

Commissioner McCown inquired why they were not using the Purchasing Department.

Chuck indicated he would talk to Mac Meyers about the purchasing policy.

***Senate Bill 98-75***

Chairman Smith stated in the CCI Updates for February 3 there was a bill on eliminating governmental immunity - Senate Bill 98-75. Her concern was how does this apply to mid-wives in Healthy Beginnings.

Chairman Smith mentioned this to Don.

Don stated he would follow through as the jail health people have to be insured as well.

***Clerk and Recorder - Internet***

Mildred stated she was not getting the originals of the Bills this year. They wanted \$370 to send them and she's getting on the Internet system to hook directly in and obtain the Bills and get the latest updates on legislative actions.

Rob will be assisting Mildred in getting this set up.

***RFRHA***

Chuck mentioned that George Roussos called him about HB-1335. This is the Colorado Intermountain Fix Guideway Authority and it was proposed from DIA to Eagle County Airport and he felt it should at least be expanded to Glenwood to tie into RFRHA.

Commissioner Martin indicated that this ties into the MIS study for I-70 as well.

***I-70 MIS - Major Investment Study - Study***

Commissioner Martin stated they wanted to have their next meeting in the Courthouse.

***Senate Bill 98-35 - Removing Railroads Rights of Way***

Commissioner Martin stated they discussed this at the legislative session and anybody that purchases a conservancy, rails to trails wouldn't have to have a survey done. The only problem is the reversionary clause in those old rights-of-way that need to be recognized. Also we need to

see how this bill in congress is doing away with rails to trails legislation. Mr. Ryan, from Kansas, has a bill submitted that has 59 sponsors and it looks like there is a good change of altering the original legislation. If that goes away, rail banking goes away.

### ***City of Rifle - Comp Plan***

Chuck attended the City of Rifle Comprehensive Plan hearing and one subject that came up was the Fairgrounds. It may be time to have someone that knows land law to look at those deeds to see if there truly is a reversionary clause.

Chairman Smith said that Don did look at these not very long ago.

Chairman Smith stated the one she was more concerned about is the location where the Shop and Court Facility is located - they claim they own that. Rifle claims this has a reversionary clause. They wanted Don to give something in writing to put in the file.

Chuck will talk to Don about it.

### ***Library***

Chairman Smith indicated there was a 99 year lease on the Glenwood Library.

### ***Valley View Lease and Chamber of Commerce Lease***

Chuck stated he would review these leases as well.

Commissioner Martin stated when we renew the lease for the hospital, why not include a provision that the hospital accepts mental health holds/detox observation area i.e. three beds and include this in the lease since we give them such a bargain.

Chairman Smith thinks it is in there.

Commissioner Martin indicated if it is we need to bring it up so they will honor it. Last week there was one cleared at the hospital and sent to the jail. And the jail wouldn't accept him and he ended up in detox with about a 4.0 blood alcohol level.

Chuck stated he will have Don check these leases.

### ***Road Damage - Agreement - Gravel Pit South of Town***

Commissioner Martin stated there was another agreement that included road damage and road repair needs to be done. According to the agreement on the truck traffic that has destroyed the road at Hwy. 82 and 103 needs to be looked at. In that provision they are to maintain and make repairs made by their trucks.

Chuck stated he would bring this up when King was in.

### **JAIL DISCUSSION**

Sheriff Dalessandri, Dale Hancock, Al Maggard, Chuck Deschenes and Don DeFord were present.

### ***Jail Count***

Total in Jail - 120. 36 main jail; 41 Work Release; 10 females; 24 other jails; 8 Home Detention; 1 State Hospital. 12 are DOC in other jails.

***School of Mines Geological Study***  
Commissioner McCown asked if this included any operational costs.

Dale stated he asked for that and got Community Corrections involved in it.

Dale added the geological survey reports would be ready the end of March, first of April and these would be completed first.

### ***CACC Meeting on Thursday and Friday***

Dale stated the demonstration on Voice Tracking was held and they need another dedicated line to get a good reading on the printout. This is a follow-up on Home Monitoring and is used on someone where there is a margin of doubt or concern. He added that we pay a contractor to monitor it. The contractor is in Dallas.

Commissioner McCown inquired as to the necessity for having a new line and suggested that Dale check out the available lines to see if one is already in place that is not being used.

#### ***County Attorney***

Don stated Sam did a survey on the Fairgrounds that required him to search all the deeds. Chairman Smith stated they want this and also inquired as to where the Courts are set as well as the shops and lift-up.

Don asked how soon they needed this.

Chairman Smith stated within the next 30 days.

#### ***Contractor Licenses***

Don stated he talked to Eagle County and they do not license contractors for the same reason that he has explained over the years; but they do license those individuals who construct ISDS systems and there is statutory authority to do this. Mark talked to Mesa County and their position is similar; they do not license contractors. However, in both Mesa and Pitkin they run joint building operations with municipalities and because of that it appears that Counties issue licenses but these are only for municipalities.

#### ***Eagle County - Traffic Code***

Don stated he had spoken to Bob Loffer, the Attorney at Eagle County working on this and they are close to adopting the traffic code per Bob. They left out the weight limits and their primary concern is parking and no proof of insurance. Larimer County is similar in their equal protection issues. In talking with the Sheriff of Larimer County they have it in place but going through a revision. One of the main reasons was the fine schedules they adopted were not consistent with the municipality fine schedules. The municipalities were facing equal protection claims from some people. For the most part they will have it in place in Eagle County and theirs is pretty much what Garfield is looking at.

#### ***Rural Resort - One Stop Centers***

Don reported he had reviewed the document and it is a policy document and not too many issues. The ones he highlighted were funding issues and certainly could be read to require staff and funding from participating Counties. Don stated that is an on-going requirement and wanted the Board to be aware of that provision.

Chairman Smith stated the Rural Resort needed this returned by the 10th and hopefully the Board can vote on it March 2, 1998.

#### ***Roaring Fork Transit Authority***

Chairman Smith submitted the IGA from the Roaring Fork Transit Authority for Don to review. Chairman Martin stated they wanted us to sit on the Board. A voting seat on the Authority - this means funding.

#### ***Fairboard Meeting***

Chuck mentioned this is Thursday, 8:00 P.M. - 2/19/98.

#### **COUNTY BUSINESS**

Chuck stated the Airport Board is scheduled on the agenda to discuss the goals and objectives. They are last on the agenda at 3:30 P.M. on March 2.

#### ***Board Agenda***

Chuck stated that he and Mark had discussed the planning items that has been scheduled late in the afternoon on a regular Board Meeting date.

This was discussed and the Board stated they prefer to have these items, especially where the Building and Planning Department knows there will be contentious issues, scheduled on Tuesdays.

Chuck suggested the Board try and hold the first Tuesday of each month open.

#### ***Change in Meeting Dates - June***

Commissioner McCown stated he will miss the June 1st meeting.

Discussion was held and decided that June 1 would be rescheduled to June 22, 1998.

#### ***County Goals and Objectives and Re-Precincts***

Mildred Alsdorf reported that re-precincting is being done

The Battlement Mesa Precinct is full and they will be breaking Precinct 20 into two. She stated that she will end up with 25 total precincts. She had to divide precinct two, precinct four and precinct eight into 2 different precincts. In New Castle they are working on a ridge line coming down by the school and leaving the older part of town, then putting Coryell town and Castle Valley in a new precinct.

This will be before the Board on March 9, 1998.

#### ***Memo on Evaluation Times***

Chuck submitted the memo he had written scheduling the evaluations with the Commissioners on February 23, 1998.

This was discussed at one of the management meetings and everyone can make the times as scheduled.

#### ***Fairgrounds Contracts***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Fairground Contracts for the Northwest CO. High School Rodeo on May 8 - 10, 1998 and Silver Nickle Auction on February 20 - 22, 1998; carried.

#### ***Personnel - Evaluations/Raises***

Chairman Smith - mentioned that she had received some feedback and had discussions about evaluations but she had stayed firm on the agreement made with the Board that these will be done on the employee's anniversary date.

Commissioner McCown agreed and added that was the purpose of the longevity raise given January 1, 1998

PUBLIC HEARING: FLOOD PLAIN AND STORAGE SPECIAL USE PERMITS WITHIN THE COMMERCIAL LIMITED ZONE DISTRICT LOCATED ALONG COUNTY ROAD 113 (CATTLE CREEK ROAD) EAST OF STATE HIGHWAY 82. APPLICANT: MITCH HEUER

Victoria Giannola, Don DeFord, Tim Beck and Mitch Heuer were present.

Don determined that proper and adequate notification was in order and advised the Commissioners they were entitled to continue.

Chairman Smith swore in the speakers.

Victoria submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Floodplain Special Use Permit; Exhibit D - Contour Maps of the Subject Site; Exhibit E - letter from Carbondale Fire Protection District; Exhibit F - Staff Report; Exhibit G - Project Information Packet

Chairman Smith admitted Exhibits A - G into the record.

Victoria presented that this is a Special Use Permit for Mitch Heuer Flood Plain Development on an eleven (11) acre tract located at the southeast corner of the intersection of Cattle Creek Road

with Highway 82 approximately three and one half (3 1/2) miles south of the City of Glenwood Springs.

The applicant is proposing to create a recreational vehicle storage development for up to fifty (50) vehicles in an unenclosed area on a two acre portion of this tract. A berm of eight feet in height will be installed on the site to provide continuous screening of the storage area. The proposal will not include the construction of any structures to house the vehicles.

Victoria referenced the letter from the Carbondale Rural Fire Protection which included two recommendations. She added that no subdivision is proposed with this application. The access will be from County Road 113. In the staff report, eight staff recommendations were submitted. Recommendation:

It is recommended that the Garfield County Board of Commissioners put forth a recommendation of conditional approval of the application for the Special Use Permit for flood plain development based upon completion of the listed eight (8) items regarding this application as follows:

Section 5.03(2) - The amount of traffic use of the driveway currently servicing Funland should be stated. Street improvements to provide safe and convenient access and to adequately accommodate the traffic volume generated by the proposed use must either be in place or must be constructed in conjunction with the proposed use in accordance with the Garfield County Zoning Ordinance.

Section 5.03.08(A) - The applicant should follow the two (2) recommendations from the Fire Protection District in their letter dated 27 January 1998.

Section 5.03.08(D) 3 and Section 5.03.08(D) 2 - The mapped data submitted in the supplement received on 3 February 1998 should be transferred to the site plan contained in the initial submission package entitled "Proposed Fill of Flood Fringe Special Use Permit" since it is very difficult to follow the location of the screening and proposed area of fill on the latest map submitted.

Section 6.01.02, Section 6.02.04, and Section 6.08.01(5) - The Planning Commission should determine if an engineer should evaluate the HEC-2 analysis conducted for this site to ensure that the application has demonstrated how the proposed placement of fill and structures within the flood plain areas will not obstruct flood flows which may result in the potential damage of others and will not cause debris to be carried downstream. The applicant should also respond to the following question - did the flood plain analysis reveal that an unequal conveyance on either side of the property would result from the proposed placement of fill?

Section 6.09.01(1)(A) - The engineer's letter states that a culvert under SR 82 controls the flood plain and flood way elevations. However, no calculations are included to support this statement. The applicant noted during a meeting with staff that an analysis of the culvert under State Route 82 has been prepared. This study should be submitted to the county for review.

Section 3.07.05 - The applicant will plant a continuous row of coniferous trees along CR 113 which will screen all of the proposed parking area from the adjoining residential uses and the public streets. A plan for screening will be provided with the application. This landscaping will reduce visual impacts of the vehicle storage area.

Section 5.03(3) - The applicant will not be permitted to install lighting features which shines light outward and onto the neighboring properties now or in the future. The design of the proposed use must minimize the impact on adjacent uses of land and must protect the established neighborhood character.

The applicants notes that the property has been evaluated by the Army Corps of Engineers and was found to contain wetlands. The applicant notes that the wetlands will not be encroached upon nor will any fill be placed within the flood way through staking of the boundary.

Section III. 8.3. Policy - The applicant should confirm that the proposed development will not alter the natural drainage patterns and will not cause storm drainage and flood water patterns to exceed the capacity of the natural or constructed drainage-ways. The applicant should also

show that the proposal will not increase the potential for damage due to flooding, erosion, or sedimentation or will not result in pollution to the natural bodies of water.

Mitch Heuer - owner of the property and Tim Beck - High County Engineering were present. Chairman Smith asked if the Planning Commission had considered the shade these trees might create and if there was potential for causing icing to form on the road.

Discussion was held regarding the trees, floodplain fill material and installation of rock wall. Tim Beck submitted handouts and discussed the project. He requested these be admitted as an Exhibit.

Chairman Smith admitted Exhibit H into the record.

Tim stated the basic contention of the floodplain is to protect the stream and adjacent property owners. On page 1, on Hwy. 82 there is a reservoir and Hwy. 82 acts as a damn and backs water up to this property. The water evaluation will not change.

Page 2 - shows the area they are proposing to fill. Nothing is proposed in the floodway and it not being obstructed. The fill begins at the floodway and builds to the existing roadway.

They obtained the original FEMA reports and reviewed to see what effect this would have - the report showed there was no change of water elevations.

Chairman Smith stated she was concerned about the trees.

Mark explained they were to break the impact of the berm view on the road and these trees are not right on the road.

The berm is on the east end.

The berm would be approximately 200 feet long

Chairman Smith swore in the speaker.

Rosalie Heuer - property owner - was at the Planning Commission and commented that they were confusing the berm with County Road 113. The planting along the County Road was a surprise to her as well.

Mark clarified that this was down further toward the berm.

Commissioner Martin - a recommended landscape would be better than the trees.

Mark stated they wanted to see a break-up and it was for a screening.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to grant the Special Use Permit for Mitch Heuer with the recommendations from staff and planning with exception no. 6 - strike "continuous row of trees" and substitute "a landscaping plan." He added that he wants to see some type of planned landscaping description provided to the Board that included more than grass and suggested choke cherry and junipers trees and the uses of native vegetation to provide screening of the property to benefit the appearance of the berm. Motion carried.

#### DEPARTMENT HEADS

##### ***Affordable Housing in New Castle***

Chairman Smith informed Mark that the Board did not have a problem supporting the theory of this project but they did not want to become involved in the issuance of the bonds.

##### ***Property in West Glenwood - Affordable Housing***

Chairman Smith commented there was a potential of a drainage problem in relation to the property owned by the County being affected by this development.

Mark stated this is a different project and is complete family detached. He added that no application has been made.

Don stated as an adjoining property owner, the County should be notified.

##### ***Snow Removal - Pitkin County Joint Effort***

Don stated he had received the signed contract for snow removal with Pitkin County. He submitted three originals to be distributed to the appropriate parties.

### ***February 19 Meeting - Oil and Gas***

Commissioner McCown asked Don to sit in on this and mentioned the County may be asked to take on some additional responsibilities. This is between 5 - 8 P.M. at City Hall. He stated what they would be asking is like a five year plan from the Oil and Gas Industries. As part of the rule change, it is supposed to be submitted by all of the industry and not just a few.

### ***Rules from Grand Valley Alliance***

Mark stated he would like Don to look at these rules - they are very restrictive.

Commissioner McCown stated the issues regarding permitting of the gas wells will be addressed at this meeting.

The Board can participate as a advisory board without a rule change.

The News Article in the Glenwood Post Monday - 2/17/98 was mentioned as well.

### ***Building and Planning***

Mark Bean presented his report as follows:

Jeff Parker picked up the permits for the three lots that he had made application for and faxed Mark a letter as well as he sent it to the Glenwood Independent saying, "he will put these lots in a conservation easement as soon as Considine puts his lots into a conservation easement."

Mark stated that he notified Mr. Cline that the Building and Planning Department has issued the building permits and now they have stated they want to appeal that issuance.

Commissioner McCown asked what their argument was.

Mark stated their argument is that he should not be approving permits based on the fact that there is no legal access to the property.

Don commented that this was not part of the permitting process.

Mark stated that was his interpretation as well. He had Mr. Parker sign the permits saying that it is Jeff Parker's responsibility to maintain the properties in an accessible manner to allow the Department a way to do the inspections they are required to do. If the Department cannot legally access the property then they cannot complete the permits, therefore the permits could be voided. These are for manufactured homes but they still require a foundation which means concrete.

### ***Rifle Village South - Update on Hiring Engineer for Investigation***

Mark reported that thus far Eric has found no one other than the firm willing to undertake this for \$2500. He is looking in Eagle County and Grand Junction.

### ***Comprehensive Plan - Updates***

Victoria Giannola submitted a review on the Comprehensive Plan.

Commissioner McCown complimented Victoria on the way she handling the Mayor of Parachute in the meeting recently held.

Victoria stated the next meeting will be on February 25 in New Castle for Study Area 2.

Study 3 - involves Rifle and Parachute and prior to the second meeting in Parachute on land use she wanted to get together officials and the Board to look at the zoning ordinance, agricultural and residential; any future growth Battlement Mesa and Parachute; and look at how to re-define the outline area to encourage the growth.

### ***Park and Ride - Rifle***

A possible site for a Rifle Park and Ride might be the Old Mill Tailings Site.

### ***Roaring Fork Biological 1997 Report Summary***

Mark submitted the Roaring Fork Biological 1997 Report Summary. This project was partially funded by the Great Outdoors Colorado Grant in 1997 and involved a scientific study of the Roaring Fork Corridor. They have received an additional grant for 1998 from GOCG. They

reported the letter of support from Garfield County was included in their applications and wanted to have a few minutes on the Board's agenda to address any comments about the project. Mark set this up March 16 at 3:45 P.M. and stated he will notify them.

***Battlement Mesa Inc. - Planning Commission Referral***

Mark explained that Battlement Mesa Inc. has requested a revised amendment to the zoning resolution to deal with that issue, Section 3.0 medium density residential and 4.0 central area residential to address the single family detached dwelling issue for zero lot lines to clarify the language. He requested that this be submitted to the Planning Commission.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer Battlement Mesa Inc. to the Planning Commission; carried.

***Project with Wright Water Engineers - Sanders Ranch***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a project agreement with Wright Water Engineering Firm for Sanders Ranch Sketch Plan and PUD review; carried.

***Board and Commissioners - Members - Re-Appointed***

Mark stated that Ruth is wanting to update the Resolution regarding the various Board. Mark stated on the Board of Adjustment - Clarence Mullen, Harold Raymond, Tom Morton and Dan Weitzenkorn were serving and did the Board want to re-appoint them subject to their confirmation.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to re-appoint these gentlemen as mentioned by Mark; carried.

The Board suggested that Mark check with them to be sure they want to accept.

***Building and Planning - Board of Review***

Commissioner McCown moved and Commissioner Martin seconded to re-appoint Bob Fritch, Jeff Simonson, Don Van Hoose, Clem Kopf and Steve Boat to the Building and Planning Board of Review respectful increments; carried.

Chairman Smith suggested these men also be contracted to make sure they were willing to serve.

***Planning & Zoning Vacancy - Dominic Dodero***

Commissioner McCown made a motion to move Ray Small to the permanent position and Dominic fill the alternate position on Planning and Zoning Commission; carried.

Mark is to notify them of these appointments.

Chairman Smith stated she would still like to keep Andrea Sears letter on file.

Firestation at the Airport

Chuck stated the next meeting to discuss this will be on March 3 at 1:30 in Rifle.

**SOCIAL SERVICES**

A motion was made by Commissioner Martin and seconded by Chairman Smith stepped down as Chair to second the motion to go into Social Services; carried.

A motion was made by Commissioner Martin and seconded by Chairman Smith stepped down as Chair to second the motion to come out of Social Services; carried.

***Budget Resolution - Social Services***

Colette submitted a Resolution to Increase Spending Authority for expenditures of funds in excess of the amount approved in the Social Services budget for the calendar year 1997.

Commissioner McCown so moved to authorize the Chair to sign the Resolution of \$105,000.

Commissioner Martin seconded; carried.

PRELIMINARY DESIGN APPROVAL - COUNTY ROAD 109 - ASPEN GLEN

King Lloyd, Don DeFord, Chuck Deschenes and Dan Cokeland from Schmueser Gordon Meyer were present for the discussion and approval.

Dan submitted a handout that illustrated the portion of the County Road that the County was responsible for. It is from the South end of the Aspen Glen Mesa Lots to County Road 108. Discussion was held.

Dan stated the plan calls for 2 - 12 foot lanes and 4 foot shoulders = 32 feet wide plus the ditch accounting for another 8 feet so basically 40 foot wide platform which is 10 to 15 feet wider than what is there now. The other part of the agreement calls for a 10 foot wide bike path that is detached from the road. Aspen Glen was required by the PUD agreement to build that section. The County is only required to do it where it is physically possible and at the Board's discretion. Dan added that what he's done at the direction of King is go through and do a 32 foot wide road design for the County's section. It's 12 foot paved lanes, 4 foot gravel shoulders, the road section itself is 2" of asphalt; 8" of Class 6 Base Course and 12" of Class 3 Base Course which is basically pure work. A soils report has not been done at this time so the 2" of asphalt might increase. If you look at the site plan, from station 85 to 100 is a very steep section. The bike path was discussed. If there was not a bike path connected to Carbondale, it wouldn't make sense to have a portion of a bike path.

Don stated there were some things that if you apply across the board, it will require a modification of the PUD approval and technically would need to re-open the Public Hearing so beware of that.

For instance, the bike path is mandated for the Aspen Glen portion of the roadway. If you are going to take this out of the Aspen Glen portion, then you need to go back and take it out of the PUD approval. Logically it wouldn't make much sense to require Aspen Glen to do it if the County is not going to do it. The same to the road construction standards, this is not a discretionary item.

Dan stated they always intended to build the road to the PUD requirements.

Chairman Smith stated if the County goes with the 4' graveled shoulder, she thinks that was the intent, and could be used for piping on the County's part of it.

King stated - The development agreement calls for the 10' wide path and needs to be separated from the roadway. On Aspen Glen's part and where physically possible for the County.

Chairman Smith commented that it didn't look physically possible for most of the path. She also asked how much ditch was being planned to be piped.

King stated the majority of that ditch is being addressed by the County but there are numerous ditches in the area as well as the beginning portion of Aspen Glen's ditch.

Dan stated they need direction at this point.

Don asked if Aspen Glen had a timing issue on this.

Dan stated that yes if it was at all possible and knew what the cross section was with regard to width, then they could design and submit it to the Board for review. There is irrigation season so there are some very critical triggers.

Chairman Smith inquired as to when water would be in the ditch.

Dan responded about the first week in April.

Commissioner McCown asked what Don anticipated with respect to right-of-way acquisition.

Don stated that he needs 45 - 60 days to the date that we can identify the legal description of the right-of-way that he needs to acquire. We then have to get an appraisal, and contact property owners and offer to purchase it.

Commissioner McCown asked if this would have to happen before this line goes in the ditch?

Don responded - If the ditch were to go in the existing prescriptive use right-of-way, it would not. However, Don stated he didn't know if that was going to happen but if this is the way it will be

handled, then it can be done without acquiring right-of-way. If you want that to fall within the shoulder area, the answer is probably yes.

Discussion continued on this information Don relayed.

Don stated the offer has to be within a reasonable time frame, about 10 dys, then he has to file assuming there is no agreement at that point, and condemn, and set the matter for a hearing for what is called a "quick taking" and he was assuming that he could get into court within that time frame. This may be optimistic. Since Don has been with the County, he has never had to go to condemnation, the County has always acquired the property needed.

Commissioner Martin stated we needed to decide which way we were going to go with the road and then go with Don's actions. We therefore need to give Don direction.

Don added that this is part of the design and he gathered we need to get a soils reports done very soon to find out what the structural templates will look like. Don added that a discussion needs to be held with Chuck to verify funding. Lastly, to confirm this, if it is necessary to go to public hearing on the bike path we are looking at about a 45 time period in order to give notice.

Commissioner McCown commented that he couldn't make a decision today.

A new date was set for March 2, 1998 at 12:00 noon to continue discussion.

### ***Rural Resort***

Don DeFord, Mark Bean and Chuck Deschenes were present.

Don submitted the draft agreement prepared by Mick Ireland of Pitkin County with the 5 Counties in the Rural Resort to share some planning information for joint review among Counties. The way Mick has this currently drafted it will apply to adjacent Counties. Don asked Mark to look at the concept and provide feedback.

Mark stated the job cannot be done in the time frame they are requesting and we can't have staff available and to do it justice. Also, he didn't have answers to a lot of the questions to start with and would therefore be speculating.

Don was asked to write a letter to Mick Ireland on some of the issues that have been raised.

Don also stated that at the Planning Commission last week, Carbondale had requested a meeting to be held with them to discuss an agreement and the Planning Commission's position was that they had already turned down a request from Glenwood Springs on the same proposal and declined to talk to them about it because there was so many other things going. If this gets referred to the Planning Commission they are probably going to turn it down due the other positions they have taken.

### ROAD AND BRIDGE DISCUSSION

King Lloyd presented his report.

### ***Request - Four Mile Road - Four Mile Park***

Kay Robinson called King and wanted him to bring some concerns to the Board such as winter recreational maintenance. Buford Road and Rifle Mountain Park Road are maintained and she would like to have the Four Mile Road maintained into the Four Mile Park. He told her it was very expensive to keep this road open. In comparison of the Rifle Mountain Park Road to Four Mile, the Four Mile Park was used more per Kay.

### ***Buford Road***

King reported that conditions are getting worse on the Buford Road and there is no cooperation from the Forest Service. King has written letters and all he gets is excuses. Traffic volume is incredible and the road is not wide enough to maintain properly. He added we are entering into the thaw period and the road is four-wheel drive. It is the Forest Service responsibility.

Action taken - King was requested to invite Martha Ketelle, Forest Supervisor, to come in and talk to the Board on King's agenda time at 1:00 P.M.

Chuck to schedule her to come in to discuss the Federal Highway Forest Funds administered through the C-DOT.

King stated that all monies that come to this forest are going to other parts of the forest including Independence Pass and Maroon Bells. Funds are not coming this way.

Chuck stated that what King has described to him indicates we need to confront them with the safety issues on these roads.

King stated the last time any graveling was done by the Forest Service was 1985 .

### ***Information for Liquid De-Icer***

King stated the Board has asked him to get some information to look at the liquid de-icers. He met with the State and described the problem. There are two kinds of programs that can be managed using the liquid de-icer. These are the preventative and then the actual storm conditions. King described to Del French the roads we were looking at, our problems, and available personnel to address the situation. Del thought the only one that has a potential of being managed by the County would be the preventative - the pre-treatment before the storm. The pre-treatment, depending upon the road surface, can be done one day before the storm. The conditions for the time the chemical goes on must be 20 degrees or above. It turns the snow to liquid as soon as it comes in contact with the road and chances are it won't refreeze. There is a dilution factor and it will continue to work practically down to 8 degrees. The cost would include 40 gallons per lane mile and by obtaining it off of the State's bid we could obtain it at \$.25 cents a gallon. The applicator, a plastic tank with plastic fixtures costs about \$15,000 and sits in the back of a dump truck. King stated he put in a call to Harry's to see how they charge but no one has gotten back to him. He estimated it would require 80 gals a road mile. He ran some numbers taking Four Mile Road as an example and it would require 1200 gallons per storm and material costs would run approximately \$300 per storm. They still have to do the snow plowing and sanding.

Commissioner McCown mentioned it depending upon the snow depth. If results could be guaranteed, it would be cheaper than plowing and sanding. If this de-icer works it would prevent accumulations.

King added that the need for sanders and plows will not go away and the State had confirmed this. He added that the dilution factor needed to be considered. The de-icer will work for a certain period of time and then the slush will build. If the temperature stays high and it remains slush, then it can get plowed off. If it solidifies and then the snow/ice packs, then plowing and sanding would be needed. He added the State budgets for Glenwood Canyon and Highway 82 is \$300,000 a year for liquid de-icers. The application is not kind to their roads or to cars.

Chairman Smith stated she would like to try it.

Commissioner McCown requested that King contact Harry and see what they will charge to put it down.

King stated he would like to caution the Board on the fact that there is only so much money to work with and we've used magnesium chloride before on graveled roads and it was a hard thing to convince people on the proper way to use that material. He equated it to someone that's on a cocaine habit - once you get them started, it is tough to get them off and you start thawing the roads with liquid de-icers and the winter maintenance gets higher and people's levels of expectation in service goes up proportionally.

Commissioner McCown agreed with King but he still would like to try this and see how it lays out and compare it to the winter maintenance. The pre-treatment would pay for the overtime King has to spend on Four Mile road. He added it may require being up front and honest with people that we wanted to try it as a measure to eliminate some of the expense costs on some of these problem roads. County Road 114 - CMC and County Road 117 - Four Mile Road are the roads he wants to experiment on.

COMMENTS FROM CITIZENS NOT ON THE AGENDA

Lou Trapani, Chairman, C-DOT Intermountain Transportation Planning Region presented a resolution to amend the Regional Transportation Plan.

The next step will be for the City and County to get together and work out a final plan.

***Continued Road and Bridge Discussion on the Liquid De-Icer***

King stated the State is putting this on asphalt and feel it is having a detrimental effect on paved roads. The shoulders of the road are always soft. There are drawbacks as well, as it is killing the vegetation along I-70. Some claims have been made that it is killing trees along I-70. King suggested this may require him to add another truck and snow plow to this area. Four trucks are currently in this area.

***Meeting with State Patrol/Sheriff/Colorado Mountain College Staff***

Commissioner Martin and King met with the State Patrol, the Sheriff, and CMC educators. They reported this to definitely be a worthwhile meeting.

Commissioner Martin stated the communication factor was opened by this meeting.

***Decision on De-Icer***

A decision was made to explore the treatment to see how it works.

King will come back to the Board with some quotes.

BOARD OF HEALTH

A motion was made to go into the Board of Health by Commissioner Martin and seconded by Commissioner McCown; carried.

Mary Meisner presented a WIC package to inform the Commissioners about the program. WIC stands for Women, Infants, and Children. It is a supplemental food program. The program is paid for with federal dollars through the Department of Agricultural. There are 74,000 participants currently in Colorado and 1000 in Garfield County. WIC educators and nurses encourage breast feeding and offer support and counseling to breast feeding participants. The local WIC program supplies loaner electric pumps for breast feeding mom's with special needs and manual pumps for others. Encouraging breast feeding promotes healthy nutrition and again spends taxpayer dollars in the most effective manner.

Last month the 935 clients cashed checks in the amount of \$37,156.07 at City Market. This is additional revenue into the County.

Mary reported that the Immunization Action Plan for 1997 tells month by month the totals and at the end of 1997 they had provided 10,044 vaccines.

***Update - Garfield County Safety Council***

Mary indicated this was still in progress. The Minutes from the past few meetings have indicated that a program is to be put into Rifle High School encouraging seat belt use.

A motion to come out of the Board of Health was made by Commissioner McCown and seconded by Commissioner Martin; carried.

COMMUNITY SERVICE BLOCK GRANT REVIEW - WANDA BERRYMAN

Wanda Berryman, Mary Meisner and Chuck Deschenes were present.

Chuck stated there were no other applicants for this Block Grant.

Wanda commented that the Block Grant was for \$28,382.00 and it was due for submittal on February 28, 1998.

Wanda stated she published this as a Public Hearing on February 11 in the Glenwood Post and Citizen Telegram.

Chairman Smith swore Wanda in.

Wanda stated that \$16,132 was earmarked for a 1/2 time registered nurse and the remaining for diagnostics.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Block Grant for Healthy Beginnings after Don DeFord has reviewed the document; carried.

### ***Road and Bridge - Continued***

King Lloyd commented that he may need to extend the frost law to some more roads due to continued thawing, rain, slush and snow. He stated he will continue to work with the companies affected and let them move at night. The roads this affected were County Road 311, 331 and 320. King stated they can work from mid-night to 6 A.M. However, Drilling and further preparations on roads will cease.

King added that he had worked out the problem on County Road 320 and 323 by moving the sign.

### ***Update of LaPlata County - Scales and Fees***

King stated he had not heard any news back but would check into it.

### ***Economic Development***

Chuck mentioned he has found nothing out yet but is still working on it.

CONTINUED UPDATE ON BEAVER CREEK LOGGING SPECIAL USE PERMIT.

APPLICANT: INTERMOUNTAIN RANCHES, LLC.

Don DeFord and Mark Bean were present.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to continue the Beaver Creek Logging Special Use Permit until April 6, 1998 at 2:30 P.M.; carried.

### ***Naugle***

Commissioner McCown complimented Mark on the letter to Mr. Naugle saying it was very well written. (The letter was addressing the inefficiencies in the application to Building and Planning.)

### **HUMAN SERVICES**

Sandy Swanson, Director of the Family Visitor Services presented the monthly report.

She mentioned the regional meeting was held last week with Garfield, Pitkin and Eagle Counties and over 60 people were present. The focus was early childhood.

Chairman Smith suggested Summit and Lake be invited to include all the 5 Rural Counties.

Sandy stated that nurturing in the early childhood stages has been proven to assist children as they grow and develop. She explained the programs that are in effect. The cardboard dolls will be forthcoming and this year they will focus on early brain development and youth maturity development. Sandy added that 80% of brain development occurs in a child by the time they are one year of age. A nurturing home that includes talking, singing, and holding a baby is among the most important things to give them. Reading to a child is vital to the development.

In 1996 there were 600 births in Garfield County and in 1997 it rose to 853 births. The Family Visitors Program went from servicing 100 families in 1996 to 350 families in 1997 and out of them over 200 are Spanish speaking. This begins to impact the schools in the next five years. Healthy Beginnings and Family Visitors begins at the pre-natal stage to ensure the babies are born healthy and avoid future problems. During the first year of life they support the families with all sorts of information that helps the parents in raising their child.

They are providing education for the parents, child care and home visits until the child is about age four. Head Start begins where they leave off. Another program is the Colorado Pre-School for four year olds who qualify. The School Districts have coordinators. This program is about

five years old now. From 0 - 3 for a baby, who is born with special needs, there is a program called Early Childhood Connection that helps them. The other important part in Community Groups is called Mothers of Pre-Schoolers (MOPS) which is a grass root effort. Among other things offered are Parenting Classes for parents for children birth to 10 years of age; there is a grant out of Yampah for children of students - (12 spots available); there is a private donor to run a Latino program for moms and children (17 kids in this); and there is a Young Mom's group out of Rifle that offers discussion on various child care issues. She commented that families tell them that they increased their knowledge of community benefits by 27%; of child development by 25% and of childhood immunization by 25%. Additionally, Family Visitors also provide a new book for each new child per month.

#### *Fund-raisers*

Healthy Beginnings and Family Visitors are combining efforts to have a Dinner Dance the evening before Mother's Day - May 9. Also, Lift-Up and Family Visitors opened Defiance Thrift Shop located behind True Value in Glenwood Springs.

The Commissioners thanked Sandy for coming and presenting this information.

#### ***Resolution - Base Fees for Building and Planning***

Mark presented the Resolution for the Chair to sign.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Resolution concerned with the amendment of the fee schedule as so noted on pages 3 and 4 for the Garfield County subdivision regulations and zoning resolution; carried.

PUBLIC HEARING: CEDAR RIDGE FARMS SUBDIVISION LOCATED APPROXIMATELY 4 MILES NORTHEAST OF CARBONDALE ON COUNTY ROAD 103. APPLICANT: SANDRA SMITH

#### ***Discussion on Jurisdiction Prior to the Public Hearing***

Bob Emerson, Sandra Smith, Don DeFord and Eric McCafferty were present.

In connection with this matter, the Staff Report summary submitted by Eric is as follows:

This matter is before the Board of County Commissioners pursuant to a request by the applicant to extend a previously approved, subdivision preliminary plan. The Board will recall that a portion of the subject property was proposed to be split, by exemption, from the tract. Staff had recommended the Board take a disposition toward the validity of the preliminary plan, either in conjunction with the exemption application, or in a separate hearing. After conferring with all parties involved, it was determined the exemption application would be tabled until the Board's determination of whether or not to extend the preliminary plan, as required by Section 4.34 of the Garfield County Subdivision Regulations.

Consistent with Section 4.34, a preliminary plan approval is considered valid for one (1) year from the original date of approval, unless an extension of not more than one (1) year is granted by the Board, prior to the expiration of the original approval. The original resolution of approval is dated July 15, 1991 and staff can find no information that the preliminary plan has ever been extended. See Resolution 91-062, pages 6 - 10. In staff's opinion, technically, the preliminary plan approval has expired specifically because no extension was ever requested or granted. After discussion with the County Attorney, Don advised that extension or revocation should be decided at the conclusion of a formal, public hearing.

Staff has reviewed the existing information contained in the Cedar Ridge Farms subdivision preliminary plan file and has attached the original sketch plan staff report, preliminary plan report, and other pertinent information.

In summary, the subdivision proposed a total of seven residential lots varying in size between 4.4 and 17.6 acres, with a remaining open space of 46.1 acres.

The tract remains zoned A/R/RD and the subdivision lots would be served by individual wells and septic system.

Conclusion: The subdivision, if it were proposed today, would not likely be approved, as submitted because it either contradicts existing policies or it is incomplete in other areas.

However, these deficiencies are mitigated somewhat by a general adherence to the new comprehensive plan and the application of the recently-adopted road impact fee.

In staff's opinion, this matter exemplifies the problems associated with past subdivision approvals that have never proceeded to final plat. The Board is being requested to rejuvenate a subdivision that seemed to have expired by a lack of interest on the applicant's part.

After further consultation with Don DeFord, he has advised that since the applicant has not requested an extension, within the time allotted, and since very little progress has been made towards complying with conditions of approval and submittal of a final plat, then this preliminary plan cannot be extended.

The applicant's attorney claims to have not necessarily been advised of Don's opinion of application of Section 4.34. In my case, I have indicated to the applicant that at least one other preliminary plan has been extended without an annual review (Mamm Creek Industrial Park). From the date of original approval of Mamm Creek, June 1981, there has been an inconsistency on how Section 4.34 has been applied.

Based upon this report and situation, the Board is being requested, by the applicant, to mediate the situation that has arisen and either formally extend or formally rescind the preliminary plan approval. Staff has provided findings and conditions that would be appropriate for whichever decision the Board makes.

### ***Discussion***

*Bob Emerson* stated this matter is scheduled for consideration to extend the preliminary plan for Cedar Ridge Farms. He referenced the background that is included within the staff report and stated it reports the staff's position that the Board may not have jurisdiction to grant an extension because the extension is not occurring within one year from the date that the time the Preliminary Plat was approved. He stated there are three issues for the Board to decide: the first issue is whether or not the Board has the authority to grant the extension; 2) if they do decide they have jurisdiction and to grant the extension and 3) then, what are the conditions.

The first issue was discussed in depth as to whether or not the Board has the authority to grant an extension. Section 4:34 was the Regulation under discussion.

*Bob* raised the issue that Mamm Creek was an example where the time frame was waived and an extension was granted.

*Don* explained that he cannot change the inequities of the past and advised the Board that the Regulations read "not to exceed one year."

*Bob* stated that he posted the property, sent out notices, and published which was a cost to Sandra Smith that she could have avoided. His argument was that the Board of County Commissioners have already set precedent by the Mamm Creek Extension and asked also what good will it do to ask Sandy to start all over which will require a lot of time and expense. He further argued that it is consistent with the Comprehensive Plan and he would guess if this came back to them in the future, they would approve the Plan with the recommendations offered.

*Don* clearly stated this was a jurisdictional issue that the Board must make and *Don* asked for a decision from the Board as to whether this should go forward or has the subdivision been determined dead.

*Chairman Smith* inquired if the extension is generated from the staff or from the applicant.

*Eric* stated that the Planning Department does not notify the applicant. It is the applicant's responsibility to notify them and at that time it is brought to Board for a decision as to whether or not an extension would be granted.

*Commissioner Martin* reviewed 4.34 of the Subdivision Regulations.

*Bob* stated with respect to Mamm Creek - if you take this regulations to its logical provision and if Sandy's become void, then this needs to be applied consistently and Mamm Creek would be void as well.

The Board's argument was that since they have been County Commissioners, the policy has not been waived therefore, they all agreed they would not be comfortable setting this type of precedent.

*Bob* again stated that what he was asking was for the Board to make a finding under the facts and circumstances of this particular case, the Preliminary Plan approval is voidable by action of the Board, but not void automatically by virtue of passage of time. And then use your discretion to make the determination that you don't want to void it.

*Commissioner Martin* added that he was struggling with and has brought to the attention of the Board and Don that the continuation of the PUD's and Subdivisions that date back to 1901 are the ones we struggle with today because they do not meet all the requirements. Yet they are approved and we don't see anything until they want to make changes. This is similar to what we are up against in this case.

*Bob* stated he respectfully disagrees with this because he thinks this is in compliance with the Comprehensive Plan and there are only a few minor things where the Regulations have changed between the time of the original approval and now and those can be addressed easily as Conditions of Approval.

*Commissioner Martin* reiterated that he wants to stay consistent and wants to keep time limits to make sure that things transpire when they are supposed to within the Regulations.

*Bob* -suggested that the Board change the wording in the regulations to make it clear that is it a void on the 366 day and that would eliminate that problem in the future.

*Commissioner McCown* - asked *Bob* if he was saying the ordinance - "not to exceed the one year" doesn't address this.

*Bob* indicated that it could be argued both ways.

*Don* says that it is void based on the wording and *Bob* is saying that he doesn't believe that it is. A reading of it coupled with the action the Board has taken, not only in this case but in other cases, to require a second hearing and a factual determination to be made before something becomes void leads to the conclusion that it's not automatic. If it were truly automatic, *Bob* stated he wouldn't be here today, because *Eric* would have told him that the first time he talked to him; *Don* would have told him that when they were here on January 12; and the Board would have told him that when he was before them on January 12; and they never would have spent the money to publish this thing and to send out the letters and for *Sandy* to hire him to go through all of this. It was not until Thursday that this issue came up. Everything else that the Board and the staff did implied that the Board had the authority.

*Eric* added there was some discussion among staff as to the application of Section 4:34 and he is under the impression that it does expire no matter what. In talking to *Don* about this, *Don* stated if it is going to expire it has to be done in a formal public hearing. That's the difference.

*Don* - asked to explain because in many aspects he does agree with *Bob*. After this case that *Eric* referred to that occurred 4 -5 years ago, once the Board grants any property right through land use regulations it can only be officially terminated at a public hearing, but with that said, under 4:34 the things the Board are to consider at that hearing are very limited. The only one that appears to *Don* to be open for consideration is whether or not a request was made for an extension within that one year. And that's distinguished from the PUD regulations that require a PUD to be developed within the phasing plan, for instance. If it is not developed within that phasing plan, it's not void and doesn't automatically expire, it stays in place, because the language says that if it isn't developed within the phasing plan, you may revoke the PUD. It doesn't say that its validity comes to an end. This is different than the language used for a PUD. Why, he cannot explain.

This language has existed in the Regulations since the 1970's. Therefore, Don is not certain why the distinction was made but there is different language and there's a different impact. But, as he said, there still needs to be a hearing. The scope is very limited under this interpretation that he gets from this Regulation as to the interpretation that Bob would get where a much broader consideration about whether it should be brought to an end or not.

*Bob* - if they had understood that to be the case, they wouldn't have submitted the application and wouldn't have spent the money to publish it, notice it and for him to come in here on a couple of occasions knowing that it was going to a simple rubber stamp public hearing.

*Don* agreed that he should have advised the applicant of this a month or more ago and regrets that he did not. But he cannot change what the Regulation says.

*Commissioner McCown* - asked Bob if he assumed that this was expired.

*Bob* - stated that he did not focus on - they were considering asking to extend that - they were really only asking for the exemption and this was the result of a potential sales transaction. The sales transaction fizzled before the December 15 hearing so when they came to the Courthouse, Eric pointed out that the lot that Sandy wanted to keep was in a slightly different configuration than the lot had on the preliminary plat. Therefore the sale not materializing is what brought this to a head. Therefore, Sandy began looking at alternatives and one was to look at the development that had originally been approved. After meeting with Eric on December 30 and going back to Sandy and telling her that this could be done, the Commissioners' don't have to but they can do if they want to do it, I think the staff's going to support them, at least that's the preliminary indication. Sandy agreed to do this.

*Commissioner McCown* asked Sandy why this lay dormant for 7 years?

*Sandy Smith* - stated she originally lived in Aspen and when she moved down to Carbondale that having gone through what the problems were in Pitkin County that seemed to be a good thing to start. At least to get the well permits and that in line if at some point she wanted to do it. She was involved with Real Estate Associates with Jim Curtis so they suggested she do the plan. They talked to Dean Gordon and got everything together not realizing that they would need to run the gamut at that particular time. So the foundation was laid and decided to wait until the timing was right on this.

*Commissioner McCown* - asked if any of the associates or Dean Gordon had advised her that there was a one year restriction.

*Sandy* responded that Real Estate Associates and Jim Curtis were from Pitkin County and probably an oversight on their and her part. Then when she sold one house that was on her property is the time she became involved with Schmeusser Gordon Meyer.

*Chairman Smith* - Bob mentioned Mamm Creek but every since she's been on the Board they have come in on a regular basis. This particular case was in 1991.

*Bob* - added that if you check you would find there were lapses of more than one year on the Mamm Creek.

*Chairman Smith* - commented, not since she has been involved as a Commissioner.

*Sandy Smith* stated she understands the new considerations but if she has to go back to scratch were they talking about a whole new engineering project?

*Commissioner McCown* - stated this would be up to staff recommendations.

*Eric* - stated the crucial factor would be for the physical water supply.

*Commissioner McCown* - added that no matter what the outcome of this was today, water supply is and always is a condition. His concern in not setting precedent was that he would be sitting as a Commissioner for three more years and if anybody can come in anytime their expiration date has long lapsed and state that this was still a good project and would like to move forward with it - he would have opened the door.

*Bob* added that he thinks precedent has already been set. He also alluded to the fact that the staff has provided recommendations as to how this could be approved for the Board's review. Bob summarized this was tough. But if the Board's finding is the 366th day its void, if not extended

then Mamm Creek falls into that. He thinks they can be creative in their findings and limit to this one case for Sandy Smith.

*Commissioner McCown* - the next attorney to come in would reference item 7 in this staff report.  
*Bob* - and the third way is to re-write the regulations.

*Commissioner McCown* - stated that suggestion will be made and it will definitely expire on the 366th day.

Discussion was held with respect to what would be entailed in a new submission.

*Commissioner Martin* with all respect to Sandy as she has worked hard to keep her property in tact and had opportunities but haven't been able to accomplish the plans, and Mr. Emerson has done a wonderful job and maybe there was miscommunication, but he was going to stay consistent and stay with the rules and regulations. I am going to make a motion to deny the extension, that it is in violation of 4:34 that has not been extended for any history and that it be denied any further action.

*Commissioner McCown* - seconded the motion.

### ***Discussion on the Motion***

*Commissioner McCown* stated to Eric - looking at the face of this application - and having Ms. Smith start from ground up, what will have changed" What will she have to do that is not included in this packet?

*Eric* - within the Preliminary Plan file, there is no true evidence that a well pump test had been conducted. There's a lot of conflicting information that something like a pump test had been conducted but there was no well test report, no duration. There was a lot of information regarding opinions of expected water supply capacity. That would be his chief concern and second to that would be the inclusions or discussion of the open space lot of 46 acres whether or not that would be a formal subdivision lot, common open space, whether it would be or could be developed in the future and how it would be maintained. Eric stated he couldn't find any true definitions of the open space. This would have to be dealt with. There are also various policies about dogs, wood burning, fireplaces....

*Commissioner McCown* - so basically it would all be inclusive in the recommendations for approval?

*Eric* - that he has attached?

*Commissioner McCown* - yes

*Eric* - stated that he thinks so.

*Chairman Smith* - drainage plan?

*Eric* - he couldn't find a formalized drainage plan within the Preliminary Plan.

*Commissioner McCown* pointed out the things he did see within the Plan.

*Eric* - stated he put some of this in the staff report based on whatever disposition the Board wanted to take in this matter. Any future preliminary plan would include these.

*Commissioner McCown* - he's looking at this as a person who has gone through a lot of hoops and cycles to get to this point and just wondered what else she was going to have to do if they do deny this extension.

*Don* - added one point that would be of significance is a legal change from the first time this was originally approved. When this was first approved, the Comprehensive Plan was legally treated as an advisory document. Now the law has changed and it is legally applicable to this subdivision. He stated he has no idea what effect if any that will have on this subdivision proposal but the law has changed in these regards. Now the Comprehensive Plan would have to be considered and what was a general representation that it conforms with the Comprehensive Plan. Don stated he knows from recent reviews there are some specific provisions in the Comprehensive Plan that can sometimes create difficulties. He added that he did not know with this subdivision where they fall.

*Eric* - there are areas that would need to be addressed, but in doing the review he's done so far, it certainly would fall in the density proposals within the Comprehensive Plan. It would largely comply with the various goals and objectives based on his analysis. He would not say that this could not ever be approved.

*Sandy* - clarified that she would need to go through the well testing. Both of the wells have been tested and then you come before the Board again to gain approval?

*Eric* - essentially you would need to start over again from sketch plan stage. What we are talking about with the water supply, that's Preliminary Plan and he didn't see any reason why the information produced to date could not be supplemented into a formal application. The whole process - sketch plan and Preliminary Plan. You certainly do not have to reinvent the wheel but all this stuff does have to be addressed, otherwise the staff ends up doing the application for her.

*Bob* - you didn't hit on the fact if new mapping, new engineering - if no change in the layout of the lots assuming the way you are going to vote.

*Commissioner McCown* asked if the sketch plan was currently on file?

*Eric* - yes, we have the sketch plan and the Preliminary Plan.

*Commissioner McCown* - without re-mapping?

*Eric* - It would be updated to whatever is the change between 1982 when the sketch plan was originally configured and whatever she would supply. Things have changed since then, but based on my review of this, our regulations and this subdivision proposal have not changed substantially where the vast majority of information generated would not be re-submitted. It's difficult at this stage without having all the information, without going through the entire process from 1982 to predict exactly what form the application would take - whether it would be re-submitting exactly what he has there with the noted suggested changes or if there are going to be a few other issues. He added that he does not want to be quoted as this is what Eric says...

*Chairman Smith* - stated one of the things she noticed in the material in front of the Board is the lack of soils test information.

*Eric* - stated there was geological and soils information and the preliminary percolation tests that were done suggests an ISDS could be done.

*Chairman Smith* called for the vote.

Vote: Smith - aye; Martin - aye; and McCown - aye.

Motion carried.

PUBLIC HEARING: CEDAR RIDGE FARMS SUBDIVISION LOCATED APPROXIMATELY 4 MILES NORTHEAST OF CARBONDALE ON COUNTY ROAD 103. APPLICANT: SANDRA SMITH

Eric McCafferty, Don DeFord, Bob Emerson and Sandra Smith were present.

Don stated this is a Public Hearing and determined that the notices and publication were adequate and the Board was entitled to proceed.

Chairman Smith swore in the speakers.

Bob Emerson stated - we will simply stipulate that the application for extension was not made.

Don - stated that under Section 4:33 Preliminary Plan is valid for a period of one year unless a request is made within that one year period to extend that time period and then it cannot be extended for more than one year at that time. Pursuant to Mr. Emerson's statement which is of record, it does not appear that such a request was made. It is incumbent upon the Board to make a finding based on the evidence in front of you whether or not this Preliminary Plan is valid and can be extended. There is a staff report in front of you that reflects similar evidence.

*Eric* - that is correct. Prior to Board making this finding he would like to enter some Exhibits and asked if the Board wanted him to summarize the Staff Report which is a summary of what has been discussed for the last 45 minutes.

The Board stated they did not want a summary.

Eric entered as Exhibit A - Proof of Publication; Exhibit B - Certified Mailing Receipts and Exhibit C - a copy of the Garfield County Subdivision Regulations of 1984.

Exhibits A - C were admitted into the record by Chairman Smith.

Don - stated now the Board needed to make a finding as to the request made by Mr. Emerson to recoup their costs.

Bob - the costs are not itemized - the proof of publication was approximately \$65 and the mailing costs were roughly  $\$2.50 \times 12 = \$150.00$  maximum. He added he can provide the Board with the actual costs.

Art Ackerman - 0414 County 165 Carbondale stated that he would like to see Sandy go through with the Subdivision for two reasons: one is to make sure that he is entitled to re-cover the cost of paving County Road 103 and secondly he thinks she would do well with this Subdivision.

Steve Smilick - 2755 103 Road - stated his concern was that County Road 103 being paved was contingent on built out. And second is the water. He stated that his static pressure in his well over 18 years has dropped about 70 feet and he has a concern about development as well as a concern on his water. John Martin (not Commissioner Martin) has indicated his springs are going to hell, so there is big concern for water.

Chairman Smith - added that's why we asked for the well test.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the public hearing; carried.

Commissioner Martin moved to go ahead and find the ruling that this application on the Subdivision is expired and the rule for it is Section 4:34 in the Subdivision Regulations and should also consider Mr. Emerson's request of expenditures if he will supply us with an itemized list and we can consider reimbursement. Commissioner McCown seconded; carried.

***Executive Session - Discuss Cline/Considine Appeal***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

***Counsel for Parker***

Commissioner McCown made a motion to appoint counsel for Mark on the Parker case. Commissioner Martin seconded; carried.

***Adjourn***

Commissioner McCown made a motion to adjourn. Commissioner Martin seconded; carried.

Attest:

Chairman of the Board

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**MARCH 2, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 2, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

**COUNTY ADMINISTRATOR**

Chuck Deschenes submitted his report.

Mike McBreen submitted two bids for motor pool:

Glenwood Ford	'98 Ranger	\$14,770.00
John Haines	'98 S-10	\$17,250.00
Columbine Ford	'98 Ranger	\$16,383.00
Berthod Motors	'98 GMC Sonoma	\$17,492.00
Western Slope Auto	'98 Ranger	\$17,261.00

Mike recommended the purchase of the '98 Ranger from Glenwood Ford for \$14,770.00.

Glenwood Ford	'98 Escort	\$12,347.30
	'98 Contour	\$13,331.95
	'98 Taurus	\$15,414.00
John Haines, Inc.	'98 Cavalier	\$12,300.00
	'98 Malibu	\$14,200.00
	'98 Lumina	\$16,800.00
Columbine Ford	'98 Escort - LX Model	\$11,883.00
	'98 Contour	\$13,509.00
	'98 Taurus	\$15,592.00
Western Slope Auto	'98 Escort	\$12,916.00
	'98 Contour	\$14,197.00
	'98 Taurus	\$16,280.00

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the bids as recommended by Mike McBreen to purchase the '98 Ranger for \$14,770.00 from Glenwood Ford and the Contour for \$12,347.30 at Glenwood Ford and a Taurus for \$15,414.00 at Glenwood Ford for motor pool; carried.

***Cars - Out for Bids***

Mike reported that the Sheriff has two vehicles placed with ads for bids - Intrepid with 134,000 miles and a Crown Victoria that needs a new motor. Mike stated he received one bid from Boyd Canterbury for \$1620.00 for the Intrepid; and another bid for \$400.00 each for the Intrepid and the Crown Victoria. Mike reported that the Crown Victoria is in good working order except for motor. Mike checked into the price of replacing the motor and recommended to keep the Crown Victoria with a new motor for the price of \$2,026.00 at Glenwood Ford. This doesn't include the installation of the motor. He added that if the Sheriff did not want to keep this car, that it be considered for keeping in the motor pool.

Chairman Smith suggested, in regard to Mike's idea to contact the Sheriff and determine if he doesn't want to keep this Crown Victoria, that he proceed. If in fact the Sheriff doesn't want to

keep it, Mike should go ahead with the replacement of the re-conditioned motor and keep the Crown Victoria for use in the motor pool.

To sell the Intrepid accepting the bid for \$1620.00 was agreed by the Board.

A motion was made by Commissioner McCown and seconded by Commissioner Martin for the Chairman or the Chairman Pro-Tem to sign the title for the Intrepid; carried.

### ***Motor Pool - Driving Habits***

Chairman Smith suggested that Chuck put out a memorandum to all users of the motor pool vehicles regarding the manner in which these cars are driven. It should remind everyone that with Garfield County plates it makes these cars very noticeable; therefore please observe the speed limits.

### ***Truck Bids***

Chuck stated these would be ready to go out this week.

Mike reported the time-frame after ordering was from 12 months to 14 months.

### ***Discussion on Retardants***

Chuck stated that some who had recommended the Retardants have had second thoughts. They are discussing options of trying a 13 speed and/or automatics. King is considering these comments as well.

### ***Chip and Seal Bids***

Chuck again requested input from the Board on their recommendations as to roads that need to be on the list for chip and seal.

### ***Fairgrounds - Insurance for Participants/Spectators***

Chairman Smith stated she had a call from Leroy Urban of Road and Bridge asking questions regarding the insurance coverage for Rodeo Fair participants. This was discussed and Chuck is to check this out. Chuck stated he wanted to talk to Carol McNeel about this as well as to whether or not a requirement is made for additional proof of insurance for the Rodeo participants.

Commissioner McCown mentioned the insurance we have and added what they cover is bogus - it is an extended liability and covers spectators only.

Chairman Martin added that he used to carry additional insurance and that most riders had their own coverage. Commissioner Martin stated he paid \$365 a day and it did not cover the participants.

Chairman Smith told Leroy the Board would advise them of their decision.

Chuck stated he also received the call from Leroy Urban and he wanted Don to look into this before he gave any comment.

Commissioner McCown - if we have this high-risk insurance, and there is an accident it is not the Rodeo's fault; it's the County's and the liability insurance needs to cover this.

Chuck stated that Rodeo and Bull Riding needs to be covered the same. The Fairboard needs to discuss this with Don, the County Attorney, and come back to the Board if it is going to be waived allowing the Board to make the final decision.

### ***Members of Board - Resolution***

Ruth is drafting a Resolution and she still has several questions on membership in various committees.

Chairman Smith serving as a member of the Housing Authority was discussed. She stated she was committed to serving until March 17, 1998 which included the interviewing process.

### ***CTSI - CAPP Pool Meetings - Glenwood Springs***

Glenwood Springs - April 15, 1998

### ***Senior Housing - Administration***

Chairman Smith asked Chuck if this proposal was going to expect more time for administration than he had bargained for.

Chuck indicated that it did entail additional time, but he felt he could handle it.

### ***Initial Air Attack - Airborne Slurry***

Chuck issued a memorandum to Sheriff Dalessandri however, to date he has had no response back from the Sheriff. Chuck indicated that the Sheriff should have the authority to order the airborne slurry or the Undersheriff as the designee.

### ***Pitkin County - Meeting with the Combined Boards***

Chairman Smith stated she received a request for \$5,000 in connection with the study that Steve Anthony's is doing; Pitkin County wanted Garfield County to pay this much for tying in with it. Chuck commented he would write a letter stating that at this time we do not have it in our budget. Chairman Smith gave a run-down of the discussion with Pitkin County. Commissioner Martin stated a channel of communication was established.

### **PAYMENT OF BILLS**

The bills for the first run of February and payroll for February were submitted for review by the Commissioners.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the bills and payroll as submitted; carried.

### ***Airport***

Chuck reported that Colonel Foster mentioned he wanted to discuss some things with him at noon in regard to the discussion planned for 3:30 today.

He also reported that the Navigational-aid test went real well last week.

### ***Eagle Computer***

Chuck commented on the software package for the Assessor/Treasurer. He distributed a memorandum to Steve, Georgia and Don with respect to replacing a file server. He added that he has a lot of questions and is continuing to do some investigations into the software on the market. Georgia is not enthused about the Eagle system; Steve is happy with Eagle. It would be best for the County if the two stay with the same provider. This is in the preliminary discussion stages at this point.

### ***Maintenance***

Chuck mentioned that the Board budgeted \$20,000 and also had some carry over from last year. He had some discussions with Rich with respect to parking lots and sidewalks at the Rifle Courts. Chuck said he would like input from the Board.

Chairman Smith suggested Rich take care of the hole at Glenwood parking lot first.

Commissioner Martin suggested the carpet in the elevator needed to be replaced.

Chairman Smith - commented on the South Entrance door handle missing.

### ***Forest Service Meeting - March 9***

Chuck stated he had set a meeting with Martha Kettle of the Forest Service and she requested items the Board specifically wanted to have her address. She needed this information in case other members of the staff should be asked to attend as well.

The Board listed the following: Buford Road and the entire recreational associated factors; Rifle Mountain Park and Four Mile Park Parking; and to advise her that the Board is hearing concern on areas they may close.

### ***Correspondence***

Chairman Smith stated she received a copy of a letter from Mark Fuller regarding the Sanders Ranch Development.

#### JAIL DISCUSSION

Sheriff Dalessandri, Dan Hall, Dale Hancock, Chuck Deschenes, Don DeFord and Al Maggard were present.

#### ***Jail Count***

Total in Jail - 129; main jail - 38; Work Release - 47; females - 7; other jails - 20; Home Detention - 9; no Day Reporting; 7 Workenders; 1 State Hospital. Those in other jails include Clear Creek, Gilpin, Mesa and Rio Blanco. 10 of these in other jails are DOC.

#### ***Memorandum - Environmental Problem - Carbon Monoxide in Jail***

Sheriff Dalessandri mentioned he had issued a memorandum to the Board on Friday, February 27, 1998 regarding the second incident of carbon monoxide poisoning in the jail. The administrative portion of the building was evacuated and the fire department was summoned. The fire department detected high levels of carbon monoxide in the kitchen. The problem was associated with the gas operated appliances due to the hood fan being off and consequently the gas fumes were not being drawn out rather they were drawn back into the kitchen area. Don added that Commissioner Martin and he had discussed this with the Sheriff.

The problems were discussed and what mitigation efforts could be applied.

The Sheriff wanted to turn it over to Dan Hall as he has spoken to some environmental assessment firms. The problem is not the furnace, rather they felt that an assessment of the problem needed to be made and some recommendations given for correction.

Dan Hall commented that he and Tom has discussed the situation and requested RFP's from three environmental assessment firms to do a full environmental assessment of the facility. These estimates are expected in approximately one week. Dan stated they were also looking at safety awareness obtaining an expert opinion.

Discussion was held.

The Board recommended that Honeywell, the firm that provided the assessment and work for the Courthouse and other buildings, may be able to provide this assessment for the Sheriff.

Dan suggested to eliminate the firm to do the assessment from bidding process for the work to be done.

Chairman Smith - when you work with an architect and it will be an overview in any new building, that they ought to have some individuals on a list to pull from that would do this. Commissioner McCown suggested they contact Honeywell first and they may also be able to do the work.

Chuck added he felt Honeywell would do this on a fee for service basis. Chuck indicated he would sit down with the Sheriff and Dan and put this together considering the best time to accomplish the assessment.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to proceed with the environmental assessment with the Honeywell firm to provide a complete assessment; carried.

#### ***Replacement of Convection Oven***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Sheriff to proceed with the purchase of the Hobart Double Oven for \$5375.00; carried.

#### COMMUNITY DEVELOPMENT

Dale reported that the School of Mines will be prepared by April 27 to provide the presentation to the Board on both the operational cost analysis and the geotechnical. Dale added that he was trying to move this up into April.

The Agenda was reviewed and Mildred commented April 13 and April 20 have time available in the afternoon.

#### ***Executive Session - Litigation***

Commissioner Martin moved to go into an Executive Session. Commissioner McCown seconded. Motion carried.

Don requested that Sheriff Dalessandri and Al Maggard remain for the meeting.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

#### COUNTY BUSINESS - EMPLOYEE OF THE MONTH

Barbara Ramirez, Steve Rippey and Christina Huff were present.

Christina Huff from the Assessor's Office was selected as Employee of the Month for March 1998.

#### ***County Road 109***

Chuck was requested by the Board to be at the meeting scheduled for noon today in order to discuss financing available for the proposed work.

#### DEPARTMENT HEADS

Mark Bean - Building and Planning gave his report.

Mark mentioned that there was a need to hire an attorney for the Board of Adjustments. He recommended Josh Marks as he is available to provide these legal services.

Don stated he had talked with Josh and he was available on March 16 to meet with the Board of Review. He added that Josh would charge his normal fee. Don clarified this was for the permits issued for the Parker/Considine - TeKeKi issue.

#### ***Workshop in Carbondale***

The workshop in Carbondale for March 18 at 7:00 P.M. at Town Hall was reiterated.

#### ***Resolution - Preliminary Approval - Four Mile Ranch***

Don stated Dave Sturges had contacted Don regarding this Resolution. Don reminded the Commissioners that the Public Hearing is closed and the only question of relevance is this, does the Resolution address the concerns of the Board.

The Commissioners and Don agreed that they wanted an opportunity to review the contents and postponed it until 11:45 A.M.

#### ***Special Use Permit - Casey Concrete***

Mark mentioned to the Board that Casey Concrete has not submitted an engineering review of County Road 103. There is some road damage and by them not addressing this, it is a violation of the Special Use Permit. He suggested setting a Public Hearing to review and decide whether or not to revoke their SUP. Mark added that notice will be sent to Casey Concrete.

The Board suggested that Mark call Casey Concrete and inform him of the violations; determine his willingness or objections to remedying the situation; and advise him of the ultimate public hearing to decide whether or not to revoke the SUP.

Mark commented that he will send a certified letter in order to have a written record.

***Petition from Sierra Bluffs - Dry Hollow***

Mark represented that he had received some petitions from Barton Porter's Sierra Bluffs Subdivision off of Dry Hollow. Mark stated Mr. Porter did not complete improvements on the road as required. Consequently, the property owners are complaining about the bad roads claiming this was not as it was purported to them. Therefore, the action to be taken is to consider revoking the Final Plat. Joe Hope of High Country Engineering will write a letter stating that Barton did not make the required road standards therefore this will need to be set for a date certain to revoke the Final Plat.

***Extension - Request for 120 Days - Shelia Kennedy Wills***

Mark presented a request made by Shelia Kennedy Wills for a 120 day extension. Commissioner McCown moved to grant the extension to July 30, 1998. Commissioner Martin seconded; carried.

***Resolution - Special Use Permit - Public Service - Power Line***

Commissioner Martin stated he did not feel that the Board explored the options and this was his own problem.

Commissioner Martin moved to authorize the Chair to sign the Resolution for Public Service Special Use Permit. Commissioner McCown seconded. Motion carried.

***Resolution - Modification - Pershanna Farms PUD***

Commissioner McCown made a motion to authorize the Chair to sign the Resolution for the modification of Pershanna Farms PUD. Commissioner Martin seconded the motion.

Vote - McCown - aye; Smith - aye; Martin - nay. Motion carried.

***Discussion - Clarification - County Attorney Billing Building and Planning***

Mark and Don requested verification.

Don submitted billings for three specific projects that he has spent documented time working on, however there is no current application that these costs can be assigned.

Therefore, the question is does Don submit these bills to Building and Planning similar to the manner in which he bills Social Services?

***Decision***

This budget year Don will track the dollar figures and this will provide some idea for next year. Chuck stated if this is an acceptable compromise, the way he would like this handled would be for Don to submit bills for the ones allocable to direct projects the first of every month and keep track of the others that are not billable hours. This will give documentation for next year's fees and budgets.

Commissioner McCown suggested even further that Don keep a breakout of time spent on Road and Bridge, Social Services, and County Commissioners.

Don stated his understanding was that the Board had allocated \$50,000 to Mark's budget to cover these expenses from the County Attorney.

Clarification was made that it was, however \$50,000 wouldn't cover the entire year with Don billing for everything. Therefore, just the allocable hours to direct projects will be paid this budget year.

Mark explained that he created a revenue side in his budget that would come from billable hours recouped in projects.

Chairman Smith agreed with Chuck to handle it this way for 1998 budget year and then next year Don can put more into his revenue side that comes from the rest of these departments.

Mildred asked for clarification if this mean her office as well.

Chuck stated major departments and projects that he spends a lot of time with is worth tracking.

Commissioner McCown commented - then where is the responsibility of the County to provide a County Attorney for services.

Don stated, both in the Constitution and by Statute.

The decision as stated above will be implemented this year.

#### ***Billing from Josh Marks - Zilm Project***

Don presented a bill that came through his office for Attorney Josh Marks on the Zilm appeal. He added that authorization from the Chair would be necessary to pay this bill and that this particular bill does not reflect all the current work. This bill is for \$2,191.00.

So moved by Commissioner McCown and seconded by Commissioner Martin; carried.

Chuck proposed that these bills flow through Don's office and then to Mark as he would like Don as an attorney to make sure the bills were reflecting dollar amounts within reason.

#### ***Budget Amendments***

Chairman Smith inquired of Chuck as to the 1997 Budget revisions.

Chuck commented that he was waiting on the final numbers from accounting of the 1997 bills paid in 1998 and then he will do this.

#### ***Resolution - Four Mile Ranch***

Don explained to Dave Sturges that he had just been handed the Resolution and both he and the Board would like to review the Resolution to ensure their concerns were addressed. The matter was re-set for 11:45 A.M. today.

#### ***Extension***

Carol McNeel presented her report mentioning the Denims to Diamonds on March 14 as being their main thrust at the present.

Chairman Smith inquired if Carol had considered taking the chinks display for the Silent Auction to Pitkin County. Since Carol commented these were valued at \$750 and the highest offer to date is \$350, she thought it might be a way to obtain a higher price.

Carol was not sure if time permitted her to do this.

Chairman Smith announced she had received a check for \$1,000 from the Community Foundation and it is being deposited.

Commissioner Martin will do the Public Service Announcements for Carol; Leslie helped with the PR to try and get information out.

#### ***501C3***

Chairman Smith discussed this with Carol and commented that it is time for her to file. Chairman Smith stated they were waiting for forms from the Secretary of State's office. She reminded her it was a \$50 fee.

#### ***Bull-Riding Insurance - Fairgrounds***

Chairman Smith asked Carol to get with Chuck to discuss the insurance for bull-riding. She had a call from Leroy Urgan and last year Dick Morgan ran this under the Fair.

Commissioner McCown added that the entire insurance picture needs to be looked at.

Carol mentioned that she will be out-of-town - her Dad had surgery. She has things covered.

Chairman Smith asked Chuck to proceed with this and perhaps to talk to Pat since Carol was going out-of-town.

#### ***Fairbooks***

Carol reported that the bids are in.

#### ***Scales***

Carol stated they are re-using the scales. This was discussed at the Steering Committee and they decided to wait and see.

#### ***Fairgrounds - Grading***

Chuck reported it will be the first part of April before the Fairground grading will be done.

*Youth to Larksberg*

Carol reported that Council gave scholarships to 20 youth to attend the fest in Larksberg.

### ***Fire Association Meeting***

Chuck confirmed with Chairman Smith of the Fire Association Meeting - Wednesday 1:30 P.M. at Rifle Fire Association.

### ***Minutes***

Commissioner Martin moved to approve the regular minutes of October 20, 1997 and January 26, 1998. Commissioner McCown seconded; carried.

### ***Ratify - Resolution***

Commissioner Martin made a motion to ratify the motion made in the Special Meeting held on February 26, 1998 to authorize the Chair to sign a Resolution to temporarily close County Road 320 except for permitted and local residential traffic not to exceed 90 days. Chairman Smith stepped down as Chair to second the motion; carried.

### **CDOT - HIGHWAY ACCESS DISCUSSION**

Chuck Deschenes, Don DeFord, Mark Bean, State CDOT Engineer Ralph Trapani and Glenwood Resident Engineer Rich Orten were present.

Ralph stated they had discussions with Mark Bean about State Highway Access issues.

The following Accesses were referenced: Proposal for the new South Glenwood for Midland Route; the Orrison current access; Westbank 154 Road; and Cattle Creek Road 115. These are the four hot spots. Ralph stated that he had some concerns from Los Amigos with their request to have some additional filings opening up.

Commissioner Martin commented there were discussions with respect to trying to come up with a road plan such as a frontage road to connect Orrison and Westbank. The County needs to be involved and there is a real need for communications.

Rich Orten provided a local update and inquired as to the time-frame when the County was proposing to take this State Highway Access over.

Don mentioned the hold-up was the County retaining a County Engineer.

### ***County Engineer - Update***

Mark reported there were no new applications.

### ***New Regional Director - Owen Leonard from Pueblo***

Ralph announced that Owen Leonard was the new Regional Director who will be taking over Bob Moston's position.

### ***Progress on Highway 82***

Ralph stated that C-DOT will be spending 60 million on Highway 82 from Snowmass Canyon to tie into the current project. The Holland Hills Section will have bids opened in about 10 days.

### ***Park & Ride - Catherine's Store - County Road 100 and Hwy. 82***

Ralph added they are hoping to get a paving project going within the next couple years.

### ***Vail Pass on West close to Dowd Junction***

Ralph added they were going to do some Rotomil on an 11 mile stretch from the foot of the pass on West to Dowd Junction.

### ***Clarification with Los Amigos***

Mark Bean mentioned that the County does not required any traffic studies.

This was of concern to Ralph Trapani and he stated this will create more traffic on the CMC entrance onto Hwy. 82. He suggested that traffic analyses are helpful especially with the County assuming the State Highway Access. Ralph suggested one of the issues would be the stacking issue coming from up-valley.

Rich stated they do not have to go back through his procedure unless they create an additional 10% traffic on a "collector road" - which is County Road 114 in this case. Rich stated it was in the Access Code - under Collector Roads.

Ralph stated that this surfaced by being on the Board's agenda.

Commissioner Martin mentioned Pershanna Farms, Rose Ranch, Four Mile Ranch and Sanders Ranch could potentially create a great deal of additional traffic.

Ralph added that C-DOT had issued a State Hwy. 82 access to Sander's Ranch. Focus is on the South Glenwood Access onto Hwy. 82. He added that he wants to set up a plan with Mark.

Don asked if this is part of the Access Code. And he clarified if this was a Master Plan for Garfield County or all the different agencies involved.

Commissioner Martin commented that this should overlap and we should have one in the different regions. Garfield County, out next to the Utah border, is not going to be the impact on Hwy. 82 as the others, but this will also be a consideration. However, to coordinate with State Highways and the Municipalities is something to consider as well.

Ralph indicated that he would encourage the focus on State Highway 82 at this point within this Board's jurisdiction because there is a lot going on. As an update, he understands that the Hwy. 133 to Hwy. 82 intersection is talking about creating some parking, etc. with the local Red Hill. At this point all C-DOT has done is listen.

Further, Ralph added that the City of Glenwood is pushing the access onto Hwy. 82 for the Midland Access; this is their highest priority. Another area of concern to the State is the CMC, County Road 114 to Hwy. 82; and the Buffalo Valley access onto Hwy. 82 as there have been several accidents at that location. Additional the Red Canyon Road is a total free for all at the present.

Chairman Smith added that it may get worse as Holy Cross is moving some of their equipment to the Red Canyon side of Hwy. 82.

Ralph mentioned that some details associated with a new intersection was to consolidate the Red Canyon business access into one side of a combined South Grand Avenue and Four Mile access on the West side of Hwy. 82, current issues notwithstanding, the technical side of it does not appear to be a big problem to the State. He added that he understands there are some issues with landowners and some political issues associated.

The next step should be for Mark Bean and Larry Thompson from the City to sit down with C-DOT and go over the engineering details. Mr. Moston made a commitment at his last meeting to do this and for Rich to go ahead with it.

Commissioner Martin mentioned he wants to see this meeting take place.

Commissioner McCown commented the City and Holy Cross should be brought into this discussion.

### ***County Road 109***

Commissioner Martin pointed out another issue - the access of County Road 109 was to be completed at the end of this year. Carbondale and the Intersection at County Road 154 by Westbank would be impacted. He suggested it may become a real popular route to by-pass Hwy. 82.

Ralph stated they have some designs there and suggested they could share these with Mark. C-DOT does have some concerns about Westbank with a focus on a grade solution.

### ***Summary***

Ralph summarized that of all the projects discussed with the Board today, it was his understanding that the Intermountain Transportation Region has had a request to put the South Glenwood Intersection in the Project Priority and Planning Process that Lou Trapani is Chairman of. All the other projects at this point are not even on that table.

Dave Sturges asked if the C-DOT was discussing the transferring of jurisdiction of the access code to the County and would that include the level of Highway 82.

Ralph - stated it would relate specifically to any State Highway in the County; not only Hwy. 82 but i.e. Hwy. 6 in New Castle/Silt.

Commissioner McCown answered Dave's question regarding when this would happen by stating as soon the County had an engineer on board.

Commissioner Martin mentioned the County needed to send letters to the State Highway Department asking for this; and having our road plan in place is another step.

Commissioner McCown clarified to Dave that C-DOT still has basically the right of refusal. The County cannot permit something that does not fit their plan. They will not give up that authority. The County does the leg work, the engineering, presents the plan back to the State for review, the State reviews it and approves or disapproves it.

Ralph characterized the process as a partnership decision.

Commissioner Martin referenced that Eagle County does this.

Don added that the Access Code references a Master Plan for Access to State Highways and this is something that the County would have to become involved in.

Ralph suggested if Garfield County could make the next step with the access and start working on a plan that this would be great.

#### PUBLIC HEARINGS: LIQUOR LICENSE - RIFLE CREEK BAR AND GRILL, HOTEL AND RESTAURANT WITH OPTIONAL PREMISES

Commissioner McCown abstained from this hearing as it could result in a conflict of interest.

Mildred Alsdorf presented the license information

Chairman Smith swore in the speakers.

Attorney John Savage, Larry McCown, and Connie Guerette - Board of Directors and Pat Hayes - Manager were present.

Mildred stated that this was previously a tavern license, they have changed ownership and want to change it to a restaurant with optional premises in order to serve beer on the golf course.

Mildred added that the notice was published on February 18 - 10 days prior and the sign was posted on February 17, 1998. She added that she ran criminal histories and did find that one of the Board of Directors had a driving under the influence but he had also mentioned this on his individual history. Additionally, they have applied for their sales tax number. Mildred added she has not inspected the premises because they are not open at this time.

John Savage stated it was changing from LaDonne Enterprises to the Rifle Gap Land Company as the managing owner, adding a pro-shop and club house, and adding a couple of beverage (beer) carts out on the course. This is what most golf courses do.

Mildred added they are going to have to serve meals. With a Tavern License they have only been serving sandwiches; now 25% of their revenue needs to come off of the meals instead of the bar.

John Savage stated that previously the land was leased to LaDonne Enterprises to operate, Steve LaDonne is now the golf pro and Pat Hayes is the director of operations. The Rifle Gap Land Company has taken back operation of the bar and grille. John talked about the long term plan of a golf house facility but this is 3 - 5 years out. The golf course has increased in activity the last three or four years. This change of organization will not change the operation of the bar and grille. It is an attribute to the golf course itself. No major changes were made in the facility.

Commissioner Martin asked Mildred if the Sheriff does the review of the golf course.

Mildred responded no, that generally they do not review with her.

John Savage added he was not aware of any incidents in the last few years.

Mildred confirmed the Sheriff verified there have not been any calls.

Commissioner Martin verified with John that the people serving need to have cards and go through the program of responsible serving.

John Savage stated the facility will open Saturday, but the bar and grille will not open until they have the liquor license.

Mildred - Additionally, the bar can not open until the license is given and she also needs to come down and do an inspection. She will try to get a Sheriff's officer to go with her.

A motion was made by Commissioner Martin to close the Public Hearing. Chairman Smith stepped down as Chair to second the motion; carried.

Commissioner Martin made a motion to approve the license for Rifle Gap Land Company contingent upon a favorable inspection. Chairman Smith stepped down as Chair to second the motion; carried.

### ***Resolution - Four Mile Ranch***

Don DeFord, Mark Bean, Chuck Deschenes, and Dave Sturges were present.

Don stated this was the Resolution for the preliminary plat and he wanted to review it with the Board to make sure it met their concerns.

Dave Sturges wanted to have some input.

Don DeFord advised the Board the Public Hearing process had closed and the Board can not engage in hearing further comments. Don stated he had advised the Board of Dave's concern on this specific regulation as found in Section 4.34 (a preliminary plan approval is considered valid for one (1) year from the original date of approval, unless an extension of not more than one (1) year is granted by the Board, prior to the expiration of the original approval.) He added the Board's practice in the past has been to consider, as long as submitted within the time period, this type of request annually. The proper way of dealing with this is a change in regulations. A similar discussion occurred with Mr. Emerson just last week. The staff understands that some clarification needs to be made.

The Board discussed several changes to be made in the Resolution.

Don commented he would re-draft the Resolution and bring it back to the Board.

### CONTINUED DISCUSSION - COUNTY ROAD 109

King Lloyd, Don DeFord, Mark Gould, Louis Meyer and Dan Cokley from Schmueser Gordon Meyer were present for the continued discussion and direction.

Discussion was continued regarding the design and construction of County Road 109. The design details need to be worked out and Schmueser Gordon Meyer needs direction as to which way the Board wants to go. Cost-wise it is very close between the two options.

King indicated that he was not comfortable with a 20 foot wall and would not recommend more than an 8 foot wall.

The various concerns were addressed such as wetland mitigation; necessary fill; shoulder width; siphon location; and ditch options.

Further, King commented he was not excited about the wall due to a lack of experience with it; he can see potential problems, such as: a snow plow running into it; continual raveling above; and water leaching through it. The engineers do a good job of securing the moisture but the particular way it is configured will be subject to severe temperatures due to its orientation. King is not sure of freeze/thaw effects.

Mark Gould indicated they designed the wall with the effects of pressure.

Dan Cokley explained the process would be to make the cut; put a drain board at the full face maybe at 50' intervals; some type of drainage board with 1" pipes in it; put fabric round the pipes and when they do the nailing they put a mess screen against that to hold back the soil - this provides an erosion control measure.

King added that a bike path built separately would also require additional maintenance as it would need to be plowed separately from the road requiring additional time and expense.

Commissioner McCown and Chairman Smith both recommended that they would prefer not to create more than an 8 foot wall. It was further suggested that SGM determine how this affects the designs under discussion.

Louis Meyer indicated that if the Board directs them, they can come back with some figures. King addressed his concern that the concept of the wall may add costs to the over excavation to establish a foundation of a wall.

Commissioner McCown indicated he would like to see the concept and asked if they had everything they needed.

Decision

Louis Meyer summarized what he was hearing the Board provide as direction: look at a combination of both options as presented; try to keep the walls down to a reasonable height - not to exceed 10 feet; and consider the option of the walls on the downhill side to the extent they can avoid the wetlands.

### ***Bike Path - Discussion - Continued***

A further discussion was held with respect to the County's portion of the proposed bike path. Don indicated that a bike path built separately would require an additional 4 acres of land needed to be purchase for right-of-way.

Commissioner McCown gave his input which included for SGM not to spend a lot of time designing the bike path on the County's portion.

### ***Motion to Delete Bike Path - County's Portion - County Road 109***

Commissioner McCown - moved to delete the bike path on the County's portion on County Road 109.

Commissioner Martin - seconded.

Discussion

Chairman Smith - felt a decision not to have the bike path would be penny-wise and pound foolish and while SGM is doing it they should design it. She also thinks the bike path should be included - people use it.

Chuck - indicated that the Board budgeted 1.8 million for this road construction and this is the problem.

Don added that before the Board votes on this, he needed to give the them the language contained in the Resolution. What the Board is doing is to conform to the wording in the Resolution. Don read "Garfield County will be responsible for 100% of the cost of design, engineering costs associated with improvements of the section of County Road 109 .... and it goes on to say..... if deemed physically possible during design and engineering Garfield County will be responsible for the design and construction of a bike path." Don referenced again "physically possible." He also stated that is why the language - physically possible - is in the Resolution and it means just that.

Chairman Smith reiterated the motion is to delete the bike path part from the County's portion.

Don asked if the Board wants Aspen Glen to continue their portion of the bike path.

Commissioner McCown asked if they could require it of them now if we delete ours.

Don stated if the Board deletes theirs, Aspen Glen is required without any conditions. To change Aspen Glen's requirement would mean having a public hearing.

Brad Hendricks suggested a possible consideration and connection with the railroad easement for a bike path and the funds diverted in that direction.

Larry Green suggested the Board not vote on this motion as being premature and let them - SGM - look at other alternatives for the bike path that doesn't involve impacting wetlands. Larry stated they will take care of the engineering part of this and maybe a good compromise is a non-separated bike path on that stretch of road that is really critical. Rather than just eliminating the concept of the bike path at this point and time, let them play with this a little bit and see if there isn't a reasonable compromise. Brad may have a good idea, he didn't know at this point. He suggested they give the Board the cost at least more definitely of what a 4 foot wide bike path that's on the road platform instead of separate before eliminating the bike path altogether.

Commissioner McCown withdrew the motion; Commissioner Martin withdrew his second.

### ***Matter Set for Continued Discussion***

Commissioner McCown - suggested to set this matter for continued discussion and stated he will make this same motion if the bike path is not directly adjacent to the roadway. He added that his motion went a lot deeper than whether and/or where we put a bike path on this section or not. We do not want to get into the bike path business.

Larry Green commented that he understands.

Commissioner McCown added so if it's adjacent to the driving surface so it can be maintained at the same time with the equipment we have when we are maintaining the road, I'll go along with it. But if it is something separate where we have to get special equipment and are expected to maintain it - cut it.

Chairman Smith hopes that people realize that we are providing a path - period or considering for a path - period.

Don asked if SGM was going to come back with a final design or a preliminary design?

Larry Green mentioned a third aspect of their desire today was to get the okay to the extent one was necessary to start work on the Aspen Glen's section. Is that something they can do now, given the cut and fill issues between the two sections or would the Board want them to wait?

Louis Meyer remarked that he would like the ability to work with King to work out the final details and drainage issues.

### ***Acquiring Right-Of-Way - Discussed***

Don inquired as to the time frame adding he would need to supply Sam Phelps with the information in order to acquire the right-of-way. Don said he will need a legal description so he can start acquiring the acreage.

Louis - a week or two to massage this section of the road and should be able to have a right-of-way map to the Board within one or two weeks.

Don asked if Louis would develop the legals or would Sam need to do that?

Louis indicated he would need to discuss this with Sam to see what is the easiest.

Commissioner McCown - clarified that SGM was given the approval to proceed on the design of this. However, is the County looking at RFP's for the purpose of construction on the County's portion of this?

Don - not for design and engineer, but for construction we are looking at a regular bid process.

King noted that the siphon for Aspen Glen has not being addressed and they want to get started tomorrow. Technically this requires an excavation permit like the gas lines; so this requires permission of the Commissioners. Is the Board telling them that as long as they can design it so that it's not under the paved surface that they can proceed?

Commissioner McCown - no, I am happy with the paved surface with the kind they are putting in, however I don't intend them to circumvent the process where all anyone else who would have to do is come and get an excavation permit.

Don commented that he and Larry were discussing that and it is their feeling that Aspen Glen needs a Resolution, so I will need a motion authorizing the Chair to sign a Resolution allowing construction of a siphon in County Road 109.

### ***Resolution - Aspen Glen - County Road 109 - Installation - Siphon***

Commissioner McCown moved to authorize the Chair to sign a Resolution allowing the construction of a siphon in the present roadway of Highway 109 on the Road and Bridge Department receiving a completed set of engineered drawings, showing location, etc. and all safety requirements regarding flagging, traffic safety and backfill daily moving will be adhered to.

King added for the Board's information that a preliminary discussion had been held with the contractor as to how this is going in and so far it would appear that there is a potential of the road being closed during the construction of the siphon. Additionally, King stated he checked with

emergency services, school busses and Western Mobile. The job can be completed much quicker with the closure of a portion of the road.

Commissioner Martin seconded. Motion carried.

***March 16 at 5:00 P.M. was set for the continued discussion - County Road 109***

Louis asked if Aspen Glen's portion of the bike path should be shown detached or attached.

Commissioner McCown responded in order for the bike path to be contiguous it has to be attached.

**ROAD AND BRIDGE DISCUSSION**

***Mamm Creek***

King Lloyd and Dean Gordon of Schmueser Gordon Meyer were present.

King stated he and Dean have been working on this and has a recommendation as to how the project will proceed.

Dean explained what needs to be done. His comments were that we need to go back and re-construct the geo-tech evaluation done about four years ago. This will not be easy but necessary. That essentially consists of starting at the bottom by putting down a geo-tech style fabric as a soil separator because of the sub-soil being so bad and being sucked up back into the gravel.

Discussion was held.

Dean plans to develop a budget and come back to the Board; also King, the Road and Bridge foreman, Con-Sy and Dean will walk the site and quantify the problems.

Dean will come back with entire cost, then break-it down with a format to see what needs to be accomplished.

***Oil and Gas Impacts***

King commented that the March 30th deadline for impacts cannot be met. Commissioner McCown - The Oil and Gas Commission on the 26th of February did agree to go into the Rule Making Session. So between now and the 31st of March they are not going to discuss anything with anybody about rule changes. The 31st of March they open it up for rule change. We need to have information that we can take to the Commission and the Industry on this impact fee so it can be implemented in their rules, otherwise it will not get done until they go back into rule making session which is not every year. Commissioner McCown explained that a number was necessary that is defensible; that will work for the County; and that the industry will buy off on.

King added that they want to have a conference call on King's agenda time next week to discuss some initial response now that can be used to assist the Board in rule changes. It will also be a time to give the Commissioners some ideas they might have on some things to go with on the 31st of March to the Oil and Gas Commission.

***Temporary Closure of County Road 320 - Weather Related***

King stated he had his first major problem in trying to manage the County Roads in the Rulison area on County Road 320 with the weight restrictions. Barrett Energy had a well rig stacked and ready to move up to Spruce Creek. He wanted to drill two wells up there. Ron and King deliberated pretty much all weekend, trying to determine the weather and forecasting. With weather conditions in the past, King stated he recommended they not move it up to Spruce Creek to drill the two wells.

Chairman Smith asked if it froze the last two days up there?

King responded that there has been some cold temperatures but it is still pretty muddy. Thursday, Friday and Saturday it was forecast to snow and it didn't. If we let them move the rig up there, they are going to want to keep it there for 50 days drilling the two wells. This is a lot of traffic and weather sources tell King that the weather will only get wetter between now and then.

Commissioner McCown clarified the number of days.

King stated 25 - 28 days per well, so at the end of April Barrett will want to take that rig out.

Commissioner McCown asked if it needed to come out all the way?

King stated yes, all the way out.

Commissioner McCown added he thought it was going to Wendell Goad's well, that's where the second well is - up Spruce Gulch.

King stated this is drilling both wells. They can access if off of Spruce Gulch.

Commissioner McCown thought King meant they were going to come out after every well.

King added they will drill two wells and it will be approximately the end of April when they will want to leave. Scott Brady and King discussed this at length and Scott feels better about King's decision, however, Scott added that his superiors may not agree with that.

Commissioner McCown figured the 90 days to be the end of April.

### ***Goad Well***

King reported that once May gets here, they can't drill. They have an agreement with the Savages that no drilling will take place from May through approximately November. King explained that the Savages are in that Subdivision and the agreement applies to the entire Subdivision. No drilling will be done during that time frame. So, if Barrett leaves, they will not be back until November or December to drill these two wells.

### COMMENTS FROM CITIZENS NOT ON THE AGENDA

Randy Vanderhurst -Mayor of Carbondale, Brad Hendricks- Carbondale City Council member, Dave Sturges, Sam Skramstad - Mayor of the City of Glenwood Springs were present.

Randy stated the Joint Board Trustees of Carbondale and Glenwood met last Thursday night and unanimously voiced the opposition to the commercial development of the Cattle Creek Crossing Project.

Sam stated there will be a Resolution initiated to expend \$20,000 - \$25,000 to do an economic study in order to present factual information rather than emotional based detail to have supporting data in terms of infrastructure of both cities. They plan to have this ready to submit the County P & Z by the end of March. Additionally, they offered to have the Board join in if they wanted to see the impacts to Garfield County. First of all, Sam stated they wanted the Board to know what they were doing.

Don requested if once the Resolution was passed would they forward a copy to the Building and Planning Department?

Sam agreed this would be done.

### ***Dave Sturges - 1310 Riverview Drive - Glenwood Springs - RFTA***

Dave stated that he had heard the Board received a Memo from RFTA offering a voting seat on Board. Dave is Chairman of Transportation Committee and alternate to RFTA Board. Basically he requested that the Board consider becoming a voting member of RFTA Board realizing this meant participation in the funding. He stressed that RFTA is the closest thing we have to a functional system and presently they are looking at extending service to Rifle.

Randy Vanderhurst - Carbondale Director of RFTA - encouraged the Board to join and represent Garfield County.

### ***King - Road and Bridge Discussion - Continued***

Commissioner McCown stated that Toby indicated in the public meeting that he did not have a permit from the County and made no bones about it. He mentioned he had a problem with the County and that's why he didn't get permits. He got tickets and he paid his fines.

King heard about the testimony and talked to two others companies and the gas industry with respect to the possibility of this. These two companies were not impressed. Most are cooperating and Toby chooses to be an outlaw. King then called and talked to Toby; Toby used to get the permits in 1995 King and asked why he didn't get permits now. Toby had no response.

King added that Toby was given last Thursday or Friday a \$1300 ticket when he was stopped again. King told Toby they would work with him but without specifics King couldn't work with him. Exceptions of County 309 and 320, Toby did say he would respect these closures and talked like he would call and get permits in the future.

The Board requested feedback and updates in this matter.

### ***Mag Chloride - Testing***

King has talked with two different companies regarding long range problems connected with the use of Mag Chloride and is still concerned about the differences between the asphalt road the States applies this material to and the chip and seal road the County would be doing. King drew pictures to show the Board his concerns.

King added that the State agreed they can see the deterioration on their roads. The experts concur with his theories as well. No Counties in this area use the mag chloride.

King submitted information off of the Internet weather channel.

Chairman Smith suggested King put out on the Internet that we were looking for Counties that have experimented with the mag chloride and see if we get a response.

The Board directed King to apply the mag chloride on County Road 114 and do an assessment of its effectiveness before eliminating the possibility.

### CONTINUED CONSIDERATION: FINAL PLAT DOCUMENTATION FOR OAK MEADOWS FILING FOR BEAVER COURT

Larry Green and Mark Bean, Ralph Delaney and George Roussos were present for the discussion. Larry Green mentioned that they had received site approval for the wastewater treatment plant. The next step is underway. In addition to this, Larry stated they are working with the Building and Planning Staff to bring in what they are calling an Amended Preliminary Plan of Oak Meadows Filing No. 4. In working with this they have had a couple noticed meetings with the Homeowners to obtain their input of how they want to see the balance of Oak Meadows developed. It is his understanding that there has been a conceptual agreement of what Oak Meadows Filing Four is going to be like. Involved in that is an amended final plat of Beaver Court which started the whole process with the wastewater treatment plan and the water facility. The concern was expressed that the way in which Beaver Court is presently platted, a couple of the units have adverse impacts on view corridors for existing structures within the development. So the developer has agreed that they will amend the final plat for Beaver Court and then submit to the County for review a preliminary plan for the remaining of Oak Meadows Filing No. 4. If they get approval for the amended final plat of Beaver Court and for the first final plat for a phase of the rest of Oak Meadows, it is at that time they will treat this approved wastewater treatment plant as a Subdivision Improvement. They will post security and be on the way with actual construction of this new improved facility. In going through a time schedule this morning, they believe it is possible to have this to P & Z in May and before the Board in June. Commissioner McCown moved to continue this until June 15 at 2:30 P.M. Commissioner Martin seconded; carried.

### CONTINUED PUBLIC MEETING: SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 4 MILES NORTHEAST OF CARBONDALE ALONG COUNTY ROAD 103. APPLICANT: SANDRA SMITH

Eric McCafferty presented a letter from Robert B. Emerson requesting a continuance stating in light of the denial of the extension of the preliminary plat for Cedar Ridge Farms Subdivision, Sandra Smith is now exploring submitting a new subdivision application. Therefore, the SB-35 Exemption is being requested to be continued for a month or two while she considers and decides about the new application.

Eric stated that staff suggests a two month extension.

Commissioner Martin moved to continue this until May 19 at 2:30 P.M. Commissioner McCown seconded; carried.

Eric commented that he had received a bill of \$95.82 for publication expended by Sandra Smith. Eric submitted that the Planning Department has expended \$209.25 in reviewing this application, which will increase with the billing of the County Attorney's time. Staff is asking the Board for a decision.

The Board directed the Building and Planning not to pursue collecting their portion of costs related to this application and suggested the possibility of recovering some of the time spent in reviewing a new subdivision application if similarities existed.

A motion was made by Commissioner McCown to approve the \$95.82 reimbursement to the applicant's attorney, Bob Emerson. Commissioner Martin seconded; carried.

***Executive Session - Personnel Issue in Road and Bridge and Litigation with City of Glenwood Springs - (Public Utilities)***

A motion was made by Commissioner McCown to go into an Executive Session. Commissioner Martin seconded; carried.

A motion was made by Commissioner McCown to come out of an Executive Session. Commissioner Martin seconded; carried.

PUBLIC MEETING: CONDITIONAL USE PERMIT FOR A BOARDING/ROOMING HOUSE LOCATED 6 MILES SOUTH OF SILT ALONG COUNTY ROAD 331. APPLICANTS: HANS AND SHARON RIEGER

Mark Bean, Hans and Sharon Rieger were present.

This is a conditional use permit to allow for a boarding and rooming house located on a 262.32 acre tract of land located approximately seven miles south of Silt off of County Road 331.

The applicant is requesting the permit in order to rent out up to 3 bedrooms to a maximum of 6 individuals at any one time. They also propose to have up to six special occasions for weddings and birthdays with a maximum of 25 people per occasion. Water and sewer are to be provided from an existing well and individual sewage disposal system. Access is a private driveway approximately a half mile long, which accesses onto County Road 331.

Recommendation:

APPROVAL of the Conditional Use Permit for a Boarding/Rooming House with the following conditions:

That all representations of the applicant in the application or at the public meeting shall be considered conditions of approval, unless noted otherwise by the Board.

That the boarding/rooming house will be limited to a maximum of three (3) rooms for rent and/or 6 guests.

Chairman Smith - clarified wedding numbers were limited and questioned if this number should be raised higher.

Mark stated that this was actually not included in the CUP.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to allow a boarding and rooming with the recommendations made by staff as shown above in No. 2; carried.

WORKSHOP WITH AIRPORT AUTHORITY - AIRPORT GOALS AND OBJECTIVES, ECONOMIC DEVELOPMENT, OPERATORS - MINIMUM STANDARDS, AIRPORT MANAGEMENT

Chuck Deschenes, Mark Bean, Airport Authority Members Barry Hamilton, Jim Foster, Klaus Schattleitner and Landowner Mr. Howard were present.

Mr. Foster presented first stating they want to get the Board's ideas and presented a form that generally outlined the discussion topics. He added he would like to revisit a meeting last year about the possibility of having an airport manager's position filled. Along with that, Jim made a factually plea indicating the idea that Garfield County has quite an investment at the Airport that needs to be protected and marketed. The system in the way that it is run is not being criticized but to have someone daily to protect the rights and interest of the County. What is the County's thinking?

### ***Airport Manager***

Commissioner Martin stated he thinks that it is an important factor to consider.

Jim stated he was under the impression the Board would be thinking about a part-time manager. Jim reiterated that progress has been made but the Airport is growing at a fast rate and will continue.

The Board shared the budget constraints and the reasons for cutting the Airport Manager's position.

Jim inquired from the Commissioners if the Airport Board should make changes in the way they are operating.

Chairman Smith suggested they could submit ways the Airport system could be improved.

Barry Hamilton - commented that with respect to the sewer issue, he has spent 5 full days there already. This was related to sewer repair problem and the rest of the Board would agree that it was time well spent. The Board members insisted that the problem get fixed correctly this time.

Jim added that a week ago there was a very important project that he attributed to Chuck for saving, in fact, Paul Hoffman and Barry Hamilton all contributed. This was the flight check. Jim indicated that it was worthy of proceeding and they were not wasting the taxpayer's money. It was successful and will be a huge benefit of the Airport. As it goes they have a problem of running into a conflict with the FOB.

Klaus commented that an additional factor in having someone there all the time is a matter of security. The Airport Board is working on security gates with cards, but indicated the fact that several \$40 million dollar airplanes were sitting there was a real concern especially with all the terrorist activities in the world. He suggested routine checks be made by the law enforcement officers.

Jim addressed the fact that possible space was available and if the Sheriff needed a small office, the visibility of the law enforcement would benefit the Airport and have an operational effect showing interest and safety concerns. They might be interested in allocating space for the Sheriff. He also asked the Board to revisit the possibility, in the interim period until they can get an Airport Manager, someone to take responsibility for the County for growth related issues. With no one out there paddling the County canoe he feels strongly that missed opportunities are looming large and this is of utmost importance. Paul Hoffman, the FBO, is there to promote his business. Jim suggested to even have someone out there on a part-time basis would help. He has done expenditures of up to \$500 and yet some items purchased grow feet and are gone. When you have a facility that can accept an airplane landing coming from anyplace, people with the capability of loading and unloading that aircraft unobserved all the time, reeks of mendacity and it bothers Jim a lot. If you have someone out there that's interested in what the County's doing, then the County's responsibilities will be way ahead of the ballgame. In connection with that, he added he will be happy to entertain any suggestions the Board has in regard to this.

Chairman Smith asked Chuck if the Federal funds are all allocated for capital improvements?

Chuck - both the State and Federal like to see capital investments as well.

Barry mentioned that the Airport has never had a better relationship with FAA that at the present time.

Chairman Smith stated that Chuck's working with them over the years has attributed to this.

The Airport Board agreed.

Barry added that in pulling the flight test off, he was amazed - everyone was amazed. The entire Western United States is talking about it and asking how did you guys do that?

Klaus commented on the Instrument Landing Service - possibly the passenger airlines will become interested in coming to Garfield County and this will enlarge the window of the Western world even more in the terms of new business coming in, so this is a tremendous accomplishment.

Chairman Smith noted that a flight last week that came in to Aspen from Phoenix. It was the day of those heavy storms and they couldn't land in Aspen because they were ahead of schedule by 45 minutes. They circled for a while, contemplated going to Montrose and finally decided to go to Grand Junction. She thought low fuel may be a factor. From Grand Junction they took these passengers via bus to Aspen but not until after they had waited for a while.

Some passengers were coming to Glenwood anyway and persuaded the buses to let them off.

Why didn't they use our Rifle Airport?

Barry said another flight overflew Rifle and later he found out they were informed there were no lights at the Rifle Airport (which is an error) but they all think it was due to better night life in Grand Junction.

Commissioner McCown stated he could not argue with the needs as expressed by the Airport Board. What ideas do they have on generating more revenue?

Jim said it is hard to tell the possibilities until you have someone there all the time looking for opportunities to provide for more revenue - i.e. the suggestion for the County providing its own hanger spaces. This flies in the face of the FBO because this would be competition. But who's to say when the time comes for the contract to be null and void with the FBO, that the County shouldn't be selling the gas and operating the radios. There is an opportunity at least, if you have someone on board, to make changes and generate interest and revenue.

Commissioner McCown reiterated there was a 20 year contract with the possibility of 10 year extension with the FBO.

Jim added that who's to say when they are talking about their commercial standards - a bank that bought the FBO out in Eagle is now dabbling around with Rifle. This has created suspicion in Jim's mind as to why they are doing this.

Chuck stated they made one contact through a 3rd party disconnected to the Airport and the Board of Commissioners.

Commissioner McCown - assured them that this would be something that the Board would see as negotiations with the Airport Board to buy out the existing FBO's contract.

Jim added they will be starting to look at upgrading their commercial standards beginning in a meeting scheduled for tomorrow and they will update the Board as they go. In reviewing what we have as far as written documentation it needs to be updated to the century we are in now and looking at what is probably going to be happening to the Airport and the County in the years to come.

Barry elaborated that there were several areas of importance in commercial standards. From the standpoint of protecting the County there are some obligations that the FAA has from the federal aside specifically the 22H and 22A both of which are assuring that the Airport is supplying the Community with a level playing field with respect to competition. It is also very important to set the standards at a level they are happy with as far as building the kind of airport the community wants. There is a need to maintain the standards and add more detail in the current airport rules and regulations.

### ***Fees were discussed***

The amount the Airports gets from the sale of gas was asked.

Barry said that the Airport gets 7 cents a gallon. However, for commercial services landing fees, if they buy fuel the landing fee is generally waived.

Airliners will pay us landing fee and fuel and a per passenger fee.

Air Charter operations have suggested that they feel they shouldn't have to pay fees. Barry suggested the raising the prices of leases for cost of living has not been done. These are the good times and now is the time to do it.

### ***IClosure of the South side of the Frontage Road***

Jim presented this issue.

Commissioner McCown inquired as to when will this be needed?

Chuck stated the sooner the better. He went on to say that the runway airspace will need to be extended when we obtain commercial service. Chuck stated it was in the master plan. The runway can stay the same length but we will need the extra acreage for safety. When we can take 727 and 737's the safety areas need to be broader and longer.

Commissioner McCown asked what has to happen to the Airport to qualify for these upgrades. Chuck stated the time to change the classification will be when we get enough demand for the 727 and 737 class of aircraft, this qualifies for the upgrades. It needs to be demonstrated in writing as it is necessary to demonstrate to the FAA that this is a qualified issue.

Klaus - if they wait too long to ask for the road closure - it might be too late. Their concern is waiting a year or so, there may be political pressure to keep the road open. The time factor will come from the FAA.

### ***Use of the Road was discussed***

Chuck commented that when the road is closed it does not necessarily close it to all traffic - it would be a dead end street.

Mr. Howard was in attendance at the meeting and commented that the closure of the road would not be a problem.

Jim suggested obtaining a point paper from the FAA regarding this road and it's impact as a better way to alleviate questions the Board may have.

Chairman Smith added this would require a public hearing to close the road.

Barry Hamilton added that Jim Fales from the FAA would be coming to Garfield County sometime in the near future and could speak to this better than they. The FAA not only insists on a public hearing but also an environmental assessment. The FAA then reviews the environmental assessment and when they approve it has the same weight as an appeal in the Federal District Court. If anyone did have a problem with it, they could appeal it to the Federal Appellate Court. Jim stated they received partial funding - \$20,000 - for the fire fighting facility so if we have our check list completed and this Board of Commissioners are informed as to what is going on and it fails, okay, but for us to sit and now plan for when we get this ILS, it might be an emergency thing, he didn't want to be put in the position of not doing their job and getting this into place. Barry added it could mean a missed opportunity.

Commissioner McCown asked what it took to get the blessing of the ILS now that the test is done? What is the next rung on the ladder?

Barry explained more engineering; more FAA approval; actually installation; preliminary tests before the FAA does the final check and the goal is to have it published, operating by next ski season.

Jim added - September, October.

Barry mentioned there is that much lead time involved.

Chuck - stated the procedure is published in the Federal Register.

Jim focused again on the recent flight test saying how thrilled they were coming and doing the initial test with the fact that we have this and it will be able to be put up, and the Airport will be able to use it.

Barry stated as a County to County standpoint, the Airport Board will have this a year before Eagle.

### ***Paving of the ramps***

Jim asked if Chuck had the final bill for paving of ramps, taxi-ways, etc. Chuck said not the final but he has published for sub-contractors to have a chance to file claims if there are any outstanding claims and this settlement should be finalized next month. Chuck stated it was \$888,000.00.

***Fire Fighting Facility at the Airport***

The construction of a combined facility with BLM was discussed. Chairman Smith asked Chuck to put down on his notes when Martha Kettle comes in for the Forest Service Discussion, to bring up the topic of the Hot Shot Crew.

***FBO***

Klaus - commented that the current FBO, Paul Hoffman, is doing a good job. He is mowing the grass, planting flowers and doing snow removal. To do what the FBO is doing would require 6 - 8 employees. As it currently stands three live on base and provide on-call facilities. There are some changes that need to be made in the day to day operations for the County. Commissioner McCown - summarized that when everything is in place for the revenue side to happen, then the Board will need to reap the day to day benefits. To spend \$40,000 to pay an Airport Manager is not possible at this juncture. Barry mentioned there were several revenue streams at the present that are currently not tapped - ground transportation, a common practice; car rentals; and vending machines. Jim commented that this discussion has given them some things to be working on starting tomorrow and asked the Board to give them Chuck to continue working with them. Chuck summarized two things with respect to the master plan: 1) work on the airport zoning - things have not been a problem but now things are changing. There were things planned in the oil shale days as to zoning, when the bust came, it stopped; and 2) Mr. Fales from FAA has mentioned - he feels our Part 77 Surfaces should be part of our zoning. Our zoning is in compliance with the minimum FAA standards, they feel there is enough invested at the Airport to look at going beyond this. This includes all Airport property including the approach as there are several high points but these are not in controversial areas, they are on steep slopes and ridge lines. Commissioner McCown - told Chuck to give Mark the parameters. Mark added that he already has them. He has already proposed what is called overlay zones to cover these areas. Klaus asked if there will be any deed restrictions in the proposed golf course at Stillwater. He feels that is something that needs to be documented. Jim stated that they have addressed it. There are Minutes to collaborate this and is in the contracts with the homeowners - they will be advised of the navigation's regarding noise abatements. Mark added that he will be at a meeting in Silt and will check into the Stillwater plat notes to make sure this is covered. Klaus expressed the need to protect the County. A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn the meeting; carried.

Attest:

Chairman of the Board

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**MARCH 9, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 9, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Chuck Deschenes and County Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

*Update on Associate Council of Governments*

Commissioner McCown gave an update saying that they are applying for a grant to administer the Post-Op funds. Initially they were hoping that they would be able to get the 6 million or a portion thereof that's left when BOE gets done. But rather than all of that money go directly to the health department, they were quite concerned and applied for a grant to administer the Post-Op monitoring. The Board will be a pass through; the Health Department would still be the agency that receives it. On the long Bill, just last week, they asked for two additional FTE's to do it. These were cut out of the long Bill. If this is not put back in the long Bill, this leaves some question as to what the Health Department will do. This includes what the Health Department had budgeted to monitor it. What we get out of it is, it will keep our foot in the door.

*Meeting on Fire Station at Rifle*

Chuck announced that the meeting at the Fire Station will be held on Wednesday.

COUNTY ADMINISTRATOR

Chuck Deschenes submitted his report.

*Fairgrounds - Update*

Chuck stated the County lost a 3 - day Quarterhorse show to Grand Junction due to the rain last year and the lack of a covered arena.

This will enhance the push by the Fairboard for a covered arena for the Fairgrounds.

*Marketing the Fairground*

Chairman Smith said that Summit County does a great job marketing on everything they do as well as their facility. She suggested it may be a good thing to have him come in and talk to the Board on how they market. She sees a lot of potential with marketing.

The possibility of moving the Fairgrounds was discussed and Chuck indicated due to the cost that would be a long way off.

Chuck said there was a thought worth pursuing. He attended the (Downtown Business Association) DBA meeting in Rifle last Wednesday and Tom Stuver came up with a good suggestion. He suggested that the County ought to go to the Howard family (a owner of one of the parcels where the Fairgrounds sits that does have a reversionary clause) and see if the County can buy out that reversionary clause now. This would be considered capital investment.

Chairman Smith commented that this was a real good idea and makes a lot of sense.

Chuck added that it will give the County a better position, if and when the Fairground moves. It would put the County in an equal partnership with the City of Rifle.

This will be discussed with the Fairground Board.

Chuck said he was asked if the Board would negotiate with other areas besides just Rifle.

Commissioner McCown mentioned this was the position from day one.

The consensus of the Board was that they felt it would have to be opened to all the County for proposals, and also to assist in the moving of the facility would be a part of it.

***Meeting - Rifle Downtown Business Association***

Discussion continued and Chuck indicated the DBA had heard the County wanted to move out of the Taughenbaugh Building. They voiced their desire to have the County facilities located within the town. Parking and appropriate space was an issue.

Chairman Smith added that Silt may be interested in bidding for these facilities as well.

***Investigation on Insurance - Old Business***

Chuck stated he did some investigation into the insurance and ultimately it would be up to the Board and the Fairboard to decide. Last year at both Bull Riding and Rodeo the County provided the insurance. Chuck will check with CAPP on their type of coverage available.

Commissioner McCown stated it was insignificant for the type of insurance they provided last year.

Chuck will look into a supplementary insurance.

The CAPP meeting will be in Glenwood Springs this month and he can bring this up at that time to see if there is a supplemental type of insurance.

***Waivers from Participants***

Chuck mentioned he wanted Don involved as he needs to be asking about the waivers, should they be done? How should they be worded, etc?

Chuck will call Leroy Urban and let him know the direction being taken.

***Forest Service Meeting - Later Today***

Chuck called Martha Ketelle and made her aware of the topics the Board wanted to discuss.

***County Road 103***

Chuck said County Road 103 was on the plan to look at for road improvements. He has received some letters with respect to paving a section of this road.

Chairman Smith added this will be looked at on the Road Tour this Spring.

King told Chuck there was two problems - one is a landowner that owns property adjoining the road in the narrow stretch. He doesn't want any improvements to the road; and second, in order for King to improve the road, he needs more right-of-way.

Commissioner Martin added there is an irrigation ditch along the curve that the landowner does not want disturbed.

***County Road 320***

Commissioner McCown said the tarsands are holding up real well on County Road 320.

***Four Mile - Guard Rails***

Chuck received a complaint about no guard rails on the Four Mile Road.

Commissioner Martin suggested guard rails be kept in mind when it came time to re-vamp that road.

***Decision on County Road 320 - Allowing Barrett to Proceed with Drilling***

Commissioner Martin received a phone call from Carol McNeel allowing the oil and gas move by Barrett on County Road 320 for their rigs.

Commissioner McCown said the road was not in as bad shape. This was not to discount King's suggestions, but any damage would impact the road bond situation.

Traditionally, Barrett has stated to Chuck not to worry about the bond, but to fine them the amount that was reasonable.

***Discussion - Housing Project - Donegan Road***

This is property owned by the County located out by the Golf Course and old gravel pit off of Donegan Road.

The story is that Steve Rippy gave the Board an estimate of approximately \$50,000; however John Baker does not feel it is worth \$50,000 due to various easements on the property.

Chairman Smith's concern was the drainage.

Chuck indicated the affordable, low income housing units are eliminated; concentration is on single family dwellings.

JOHN BAKER - UPDATE ON HOUSING PROJECT NEAR OLD WEST GLENWOOD GRAVEL PIT

Chuck Deschenes, Don DeFord, John Baker and Yancy Nichols with Sopris Engineering were present.

Chairman Smith mentioned her main concern was the drainage.

Yancy said they split the project by the road and took in drainage basins and additionally, they are also proposing curb and gutter to control the drainage. They evaluated the historical drainage off of the golf course onto their parcel; the drainage from their project; and the additional development run-off. Responding to Chairman Smith's concern about drainage onto the County property, Yancy stated no more drainage than has historically been going onto the County property.

Commissioner Martin also asked about the access.

Yancy stated that access was anticipated off of Sunny Acres Road with a culdesac at the end.

Yancy also confirmed that the single family dwellings were the only units planned at the present.

#### ***County Business Continued - Budget***

Chairman Smith asked about Search and Rescue's budget saying they have used 27% of their budget.

Chuck indicated he would discuss this with them.

She noticed the County Commissioner's budget was running over projects as well.

#### ***Meeting with Tom Beard and the Sheriff - Communication Authority***

Chuck stated he would be meeting with Tom Beard and Tom Dalessandri on Thursday. The Sheriff has a lot of questions.

Commissioner McCown stated the Communication Authority is ready to take over. David McKenzie is on the job and is getting his management plan in working order. Jim Stevens' last work day is April 1.

Chuck said that Jim has submitted for vacation time between now and the first of April. Chuck said he was going to wait for the new manager's input. If the new folks do not feel Stevens will be an asset in the transfer, then he would have no problem. The current Personnel Policy has a clause and states in "time off" it is not something generally approved during a change-over.

#### COMMENTS FROM CITIZENS NOT ON THE AGENDA

Roger Eichler of 276 County Road 259, Rifle - said he purchased property from Norm Hunt in June. Norm had split his 43 acres of property into three lots. Norm had drilled a well on one of the lots and according to the County's regulations all he had to test for was nitrates and bacteria. It was exempted out of the subdivision and when this happens, the individual lots have to have potable water. After Roger talked to neighbors and they had good water, he built a house, drilled a well and hit water. The water does not show any nitrates and bacteria but it is so high in other minerals that there is not a machine that can fix the water. On the test the water came back - "unsuitable for human, animal and will possibly kill grass."

Roger stated he is here today to see if the Board would implement some kind of warning at least to anyone buying property that the water may not be good and there was a chance they would wind up hauling water. When he and the others bought the property, Norm informed them it was good water. Roger further stated that evidently he had it tested for nitrates and bacteria.

Commissioner McCown reiterated that the County's regulations is a pump test - and the regulations does not require an analytical report.

Roger stated they do address nitrates and bacteria.

Commissioner Martin suggested there was a need to add testing which included ammonia and benzene. This is not in the ordinances yet.

Roger stated that the maximum level is 4,000 for reverse osmosis to treat a high mineral content. Roger stressed he would like a warning that the well water may not be usable and may need to haul water.

Commissioner McCown added that Silt Mesa is notorious for bad water.

Chairman Smith commented the Board could possibly add an additional plat note that would include an analytical report. This will be discussed with Mark.

Mark Bean came into the meeting and was given a copy of Roger Eichler's laboratory report on his well water. He referenced that the regulations call for a "legal and adequate physical source of water."

Roger stated he had a legal, adequate and physical source of water - it just isn't suitable for using. Mark suggested that the terms "legal and adequate" are questions to explore with the County Attorney, Don DeFord.

### ***Ratify Motion - Wendell Goad Well - County Road 320 - Allowing Barrett Energy to Proceed***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to ratify the following motion made in a Special Meeting held on March 5, 1998:

"Commissioner McCown made a motion that in this case the Board waive the closure of County Road 320 for the purpose of drilling the Goad Well. I think that Barrett and his subcontractors need to abide by the frost regulations that were in place prior to the closure and all activities as far as trucking should take place during those times when there is frost and they stop hauling material and it should be done. Chairman Smith stepped down as Chair and seconded the motion.

Vote: Smith - aye; McCown - aye; Martin - aye.

Motion to ratify carried.

### **JAIL DISCUSSION**

Sheriff Dalessandri, Don DeFord, Dale Hancock and Al Maggard were present.

### ***Jail Count***

Total in Jail: 134; 36 main jail; 50 Work Release; 15 women, (12 females on Friday) 18 other jails; 7 Home Detention; no Day Reporting; 8 Workenders. 11 DOC. 141 Sunday; 134 Saturday; and Friday 141. Tom added that they had 10 out to other jails; brought 5 back for court appearances. He added that it is virtually impossible to find placement for females in other jails; the only ones capable of taking women are real large departments.

Chairman Smith added that no one has made the provision for this number of women.

Tom said they signed an agreement with Judge Zerbi with the Courts. The way that works is when the jail is terrifically overcrowded they send notices up to the DA's office for filings for 35B's which are early releases. If the DA approves, these are sent to the Courts. If the Courts approve, then they are authorized for early release or Home Monitoring.

Tom added that Guy is available for making these assessments. Judge Ossola and Tom have talked about this as well.

Chairman Smith summarized that the increase in women within the jail and prison population is a nation wide problem.

Tom commented further by stating this doesn't consider the municipalities impact with females. He recapped what he has said many times - "the day we open the new jail, the population will be at 150 with the current way of sentencing."

### ***Carbon Monoxide - False Alarm***

Tom reported that the Fire Department was called again. The women in the female unit were complaining about headaches. The test proved to be false.

### ***Honeywell***

Chuck reported that he had talked with them and Honeywell will call him back on Tuesday. They will be looking for a local firm to do the assessment. He and Dan worked on the situation and KN Energy came in and was supposed to have reviewed the individual appliances. There is a possibility that the hood fan is too strong and is creating the downdraft.

### ***Update - Litigation between the County and the City - Application of Zoning Code***

Don commented that since this was in the newspaper he would provide the update in an open meeting. Judge Murray Rictal of Boulder County has been designated by the Supreme Court as the Judge to hear the litigation between the County and the City on the application of the zoning code. Don added that he had spoken briefly with Judge Ossola and procedurally we will be filing duplicate pleadings here and with Judge Rictal. Until further notice, the current case management will remain in place so we still anticipate closing discovery in April and trial in September. That could change according to Judge Rictal's scheduling.

### ***Jail Advisory Board***

Al Maggard announced the regular Board Meeting will be this Thursday at noon.

### ***Community Development***

Dale Hancock showed the Board the specific areas the Colorado School of Mines will be reviewing with them. He stated they had been through a status briefing last Wednesday. Dale requested feedback if there were other areas that they wanted covered. He added there is a map created which will show all the residential zoning, proximity to support services for the jail as another tool to review. Jonathan White of the Colorado Geological Survey and his report will possibly be complete by the end of this week, but he is also waiting on having a map of the Wulfshon property showing the slope classifications for specific property so the Board will have precise grade information. This ties back into whether or not mitigation is necessary, some information on silt and clays, and compressible factors on the Eastern side on that property. Dale stated the geological survey is on the entire 1440 acres of Wulfshon.

### ***County Attorney Business***

Asa Jones of Glenwood Insurance contacted both he and Chuck with a proposal to provide an opportunity on an auto policy they would like to market to County employees. Discussion was held.

In summary the Board's consensus was no and this should be the immediate response to anyone with a similar proposal. Their concerns were that this type of thing could snowball into local car dealers proposing to give excellent rates to employees on new automobiles, etc.

Chuck said he would call Asa and advise him and from now on he would inform Ruth to tell the inquirer right from the start that it is a Board policy not to allow this sort of marketing.

### ***Nelson Claim - County Road 117***

Don requested comments from the Board with respect to terms in the contract with Gianinetti regarding a warranty period for the nursery plantings. He stated that King needs to know this as well.

The Board suggested contacting Gianinetti to determine his warranty period; write a letter to Mr. Nelson advising him of the process and it is in progress; and informing Mr. Nelson of the warranty period. If there is no additional discussion or input from Mr. Nelson, then proceed with the plan.

### ***Personnel Policies - At-Will Policy***

Don briefly commented that he expects a call from Kathy Greer and hopefully prior to the luncheon meeting scheduled on today's agenda to discuss the direction and function of the Personnel Committee.

Additionally, Don suggested that Chuck, as the County Administrator and responsible person to inform all department heads of the direction of the Board, should be present at these meetings of the elected officials. He, on the other hand, unless it was necessary for him to provide legal advise, would not suggest that he be present. Department Heads should be invited as per the Board's wishes.

Commissioner McCown inquired if the Sheriff was allowed or required by Statute to have a separate personnel policy.

Don responded that by Statute there are separate employment standards that apply to the Sheriff. This elected office has a specific statute saying that the Sheriff shall have the authority to hire and fire at will. There is a case to the effect that the Sheriff cannot adopt a policy that modifies or reduces his authority by Statute. Whatever this Board ends up with must take that into account. Also, because of the law enforcement aspect, they have different standards on personnel investigation than others in the County, particularly in how they treat their employees, especially since virtually every personnel investigation, except something a minor incident, can result in criminal charges. They have special advisements and special representations that they have to adhered to.

Commissioner McCown asked if they could fall under the same policy and then in their section, become more stringent.

Don said yes. And his recommendation to the Sheriff has been for him to do something very similar to that because the policy needs to be updated anyway. It will serve a lot of interests if the Sheriff can incorporate most of our policy - it cuts down on any chance for error.

#### ***Update - County Attorney - Recent Litigation Outcomes***

Chairman Smith requested that Don provide the Board an update next week on cases such as Johnson, Deskins, etc.

Don indicated that Attorney Josh Marks will be in Glenwood next week and he can also provide some updates to the Board on cases he is handling.

#### **BUILDING AND PLANNING REPORT**

Mark Bean presented his report on the current planning activities.

Cattle Creek and Rose Ranch are presently going through the pre-review for completeness.

##### ***Cattle Creek***

Mark said this is scheduled for Planning Commission on March 30th. This is a Monday evening and a special meeting due to the crowd expected and time required to hear the comments from the public.

Chairman Smith asked Mark to suggest that Ron Leach either write his remarks and concerns regarding the entire water situation in this area or else to come in and talk to the Board.

##### ***Special Use Permits***

Discussion was held regarding special use permits

Mark suggested the possibility of adding a clause that would cover the sale of the land creating a need for the new owners to come before the Board of County Commissioners in a Public Hearing. He said he would discuss this with Don and get back to the Board with the outcome of that discussion. If indeed a Public Hearing was held, then more and less restrictive conditions could be implemented.

##### ***Board of Adjustment***

Mark reported the Board of Adjustments would be meeting regarding zoning violation of non-conforming use.

***Building Permit - Activity***

Mark reported 17 new single family residential building permits and 7 manufactured homes were issued in February 1998. The valuation is up substantially and he attributes this directly to the larger and very expensive homes.

***Potential of Additional Staff Needs***

Mark mentioned that there was a possibility of a future request for additional staff to assist with planning and reviews. Bruce Stolback and Art Hoagland have been doing some assessment, however, their availability may be limited in the near future.

***Coal Mine Activity - Northwest portion of the County***

Commissioner McCown mentioned there is a report of coal mine activity and the County shows that as an inactive mine. Last year they apparently mined 49,000 tons of coal.

Mark mentioned they submit to the Building and Planning and it is a permitted Conditional Use Permit back in the early 1980's.

Commissioner McCown suggested it is activity on Federal lands however, mining equipment and this may be something the Assessor Steve Rippey should be made aware of.

Mark thought this information provided was enough to ship out for test burns to be able to see whether or not the firm could market it. This may be a sign of progress of becoming more active. This is the largest amount he's seen. He added he will check into this.

***Resolution - Conditional Use Permit - Rieger***

Commissioner Martin made a motion to approve the Chair to sign a Resolution concerned with the approval of a Conditional Use Permit for Sharon and Hans Rieger. Commissioner McCown seconded the motion; carried.

***Resolution and Amended Plat - Jewell***

A motion was made by Commissioner Martin and Commissioner McCown to approve the Chair to sign an Amended Plat and Resolution concerned with granting and amending exemptions from the definition of subdivision for James and Sandra Jewell and the estate of Ora Jane Urban (AKA Ora Jane Jewell); carried.

***Spring Creek Land Company - Clausen - Cedar Hills***

Commissioner McCown made a motion and Commissioner Martin seconded to authorize the Chair to sign an amendment to the Subdivision Improvement Agreements and site specific development plan; carried.

***Acknowledgment of Partial Satisfaction of SIA - Clausen - Cedar Hills***

Commissioner McCown made a motion and Commissioner Martin seconded to authorize the Chair to sign an Acknowledgment of Partial Satisfaction of SIA in the amount of \$128,299.00 leaving \$38,024 remaining; carried.

***Resolution - Preliminary Plan - Four Mile Ranch***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the approval of a Preliminary Plan for the Four Mile Ranch Subdivision.

Vote: Smith - aye; McCown - aye; Martin - nay.

***Water Shed - Roaring Fork River - Garfield County Jurisdiction***

Mark reported that Robert Wray who is the 208 planner for the Northwest Colorado Council of Governments apparently had called Bill McKee the water shed manager from the State. He was concerned about their adoption and revision of their 208 water plan which included portions of the Roaring Fork River not in any of their participating County's jurisdiction. Garfield County is not a member of this Board and Bill feared the COG may consider regulating water quality within

our jurisdiction without our authority. Robert assured Mark this was not the case; however, to alleviate anyone's concerns Mark asked Robert to send the County a letter signed by the NCCOG Chairman acknowledging that fact. A discussion will be held with Mr. McKee as well.

Mark added he had left a message for Robert Wray and Bill McKee to come before the Board to discuss this matter. A date was set on the Commissioner's Agenda for April 20 at 2:30 P.M.

### ***Referral to Planning Commission***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer the Special Use Permit request for Lillian Reed et. al. for Spring Creek Water Bottling to the Planning Commission for review and recommendations; carried.

### ***Contracts - U. S. Geological Survey***

Mark said the County has two contracts with the U. S. Geological Survey for water measurements - Elk Creek and DeBeque. The larger one with Rio Blanco Oil Shale (Elk Creek) has been withdrawn; they do not want to participate and will not contribute. Mark informed U. S. Geological verbally that Garfield County is not participating nor contributing the \$12,000. Mark asked for authorization to send a letter stating the Board's position as presented. Commissioner Martin so moved and Commissioner McCown seconded; carried.

### ***Board of Adjustment Membership***

Mark requested a change on the Board of Adjustment Membership. He stated that Clarence Mullen is presently an alternate and very active. Phil Vaughan, the Planning and Zoning member on this Board is not always available and would like to be the alternate versus the regular member. Mark requested the Board to authorize Clarence Mullen as the regular member and move Phil Vaughan to the alternate position.

Commissioner Martin so moved and seconded by Commissioner McCown; carried.

### DEPARTMENT HEADS

#### Weed Management

Gary Janicek gave his report.

#### *Management Plan for the Vegetation Department*

Gary asked if the Commissioners wanted to review the draft plan he developed to be in compliance with House Bill 90-1175. If the Board has changes to make, please provide him with those.

#### ***Grant - Colorado Department of Agriculture - Leafy Spurge - \$6,386***

Gary reported Garfield County has received \$6,386 of the \$25,000 grant funds requested to provide cost-share opportunities to private landowners up Wallace Creek where leafy spurge threatens to spread into the watershed potentially jeopardizing a broad variety of natural and agricultural resources.

#### ***Request for Assistance***

Gary requested approval of the Board to have Dave Gallagher return to the County for a few days to assist him with the operational system on the injection system of the truck.

#### Discussion

Commissioner McCown suggested that Gary contact the manufacturer to have a representative come to the County and train Gary.

Chairman Smith added that if this was not possible, they could have Dave come back and work with Gary.

Gary added that prior to Dave's leaving they had a discussion regarding some problems with the injection system. Gary sent the injector pumps in for repair; there were some seals out. It should be in good working order now.

*Weed Task Force*

BLM, the Forest Service and four other counties have a goal to work and put resources together to avoid overlapping control on the boundaries of each other. One of the projects being looked into is with R, C & D who has a \$10,000 grant that would be used on mapping the I-70 Corridor from the Eisenhower Tunnel to the Utah border. What is needed from this Board would be a letter of support.

Gary said the submittal for the grant funds is due March 19th.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a letter of support as presented by Gary.

Discussion

Commissioner McCown amended his motion and Commissioner Martin concurred with his second, to read either the Chair or the Chair Pro-tem be authorized to sign the letter of support; carried.

Building & Planning Continued

***Executive Session - Sunlight View II Court Case - Josh Marks' Opinion***

Eric McCafferty and Mark Bean were in the meeting.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of an Executive Session; carried.

EMERGENCY MANAGEMENT DISCUSSION

Guy Meyer reported on the carload of illegal immigrants that had smashed into a semi causing mass casualties. This taxed the system and may be a driving force with the law enforcement in working with the ICS system.

*EPA Meeting*

Guy mentioned that on May 15 there will be a meeting with the EPA in Rifle at 10:00 A.M. at the Fire Station.

PUBLIC HEARING: SPECIAL USE PERMIT - LOGGING, LOCATED APPROXIMATELY 20 MILES NORTHWEST OF DEBEQUE ON KIMBALL MOUNTAIN - APPLICANT: COLORADO TIMBER AND LAND

Eric McCafferty, Don DeFord and Ken Roberts were present.

Eric determined that notification was timely and adequate and therefore the Board could proceed. Chairman Smith swore in the speakers.

Eric submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Project Report and Staff Comments; Exhibit E - Copy of the Garfield County Zoning Regulations; and Exhibit F - a Copy of the Garfield County Comprehensive Plan of 1984 as amended.

Eric presented the verbal report summarizing the staff report stating this was the second phase and includes 1.7 million board feet of timber from 12 locations over 300 acres of forest.

Recommendations:

Based on the analysis, staff recommends approval of the application, for the proposed timbering and helicopter landing areas identified on Exhibit A, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, and contained within the Timber Harvesting Plan and Progress Report, shall be considered conditions of approval.

The haul route for timber on all overweight service vehicles will be approved by the County Road & Bridge Supervisor. Additionally, an overweight vehicle permit will be acquired for each vehicle needing such permit, prior to commencing operations.

That the forest management practices and revegetation will be continued to be monitored for compliance with the proposed Timber Harvesting Plan by a staff forester, hired and paid by the applicant.

A road bond of \$100,000 shall remain in force and be placed with the Road and Bridge Department, to be used for the repair of CR 202 and 204, from damage attributable to the applicant's activities. The bond shall be valid for the period of time that the applicant is actively logging on the property.

This Special Use Permit is subject to review for compliance or noncompliance with performance requirements associated with the issuance of the Special Use Permit, prior to permitting additional acreage subject to timber harvesting. The applicant will be required to submit a report, no more than one year from the date of a resolution of approval, indicating the measures taken to comply with the performance requirements of the permit. The Board of County Commissioners will review the report, in a public meeting, within 30 days of receipt of the report and may determine that a public hearing is necessary to consider expansion of the permit or development of additional approval conditions.

All vehicles used in conjunction with the logging operation, and operated on Garfield County roads, must be licensed or apportioned in the State of Colorado, through the Garfield County Clerk & Recorder's Office.

The hauling of logs will be discontinued during normal times for local ranches to safely transport livestock along County Roads 202 and 204.

There will be no harvesting of aspen trees from the site, with the exception of the incidental cutting of trees, as approved by the staff forester.

All revegetation of the site shall be done with certified weed free seed mix. The revegetation of the helicopter landing areas shall be inspected for two (2) years following cessation of logging activities.

The applicant shall develop an emergency plan and shall file said plan with the Garfield County Department of Emergency Management and the appropriate fire protection district.

Discussion was held with respect to the State Forest Service going on location to see the various cuts of timber of 70%, 75% and 60% so Kelly Rogers can better determine a recommendation. Chairman Smith indicated the Board would be interested in hearing the comments made by the State Forest Service.

Commissioner Martin made a motion and it was seconded by Commission McCown to close the Public Hearing; carried.

A motion was made by Commissioner Martin to approve the Special Use Permit for a logging operation, phase II located approximately 20 miles northwest of DeBeque on Kimball Mountain for Colorado Timber and Land with the 10 recommendations as shown and including the 75% set back near year-round live streams.

No second - Commissioner McCown asked for clarification on the motion.

Commissioner Martin amended his motion striking No. 2 and No. 3.

Commissioner McCown seconded the amended motion; carried.

Discussion

Chairman Smith asked Ken Roberts to have Kelly write the Board a letter to advise the Board how this project is going.

Ken Roberts stated he was sure Kelly would comply with that request because he was going to be doing some things for BLM on the projects. BLM in Glenwood and Grand Junction has asked for recommendations to the pilot project.

Commissioner Martin added that he would like the helicopter pilot take some pictures as well both before and after particularly focusing on erosion, slash piles, etc.

Ken Roberts added since this is new to Garfield County, he intended to have a professional take some videos.

ELECTED OFFICIALS MEETING - DISCUSSION OF PERSONNEL POLICIES - GOALS AND OBJECTIVES OF PERSONNEL COMMITTEE

Mildred Alsdorf, Georgia Chamberlain, Tom Dalessandri, Mac Meyers, Don DeFord and Chuck Deschenes were present.

Don DeFord said he had a lengthy discussion with Kathy Greer concerning the draft personnel policies and procedure manual provided last week by Barbara Ramirez. Two things Don discussed included: 1) the policy and whether or not we go with it and 2) Social Services and the merit system and how that affects other departments.

Kathy reviewed the policy and made some general comments to be submitted in writing available to Don who will disseminate to everyone in the room today. It was previously raised regarding the drafts. Don added there will be a number of drafts and comments that will go back and forth. He cautioned to keep these drafts as discussion items only at this point and avoid having employees becoming overly concerned until a final policy is approved.

Don - Kathy stated the document was much too detailed for what we need. She felt in terms of the "at will" policy (still on-going with the Board of County Commissioners and he needs to hear from the other elected officials as well), much of the detail needs to be taken out of this document. Example: When you are talking about Federal Statutory Provisions - FLMA, SLMA, ABA Provision - we really shouldn't try to interpret these ourselves and put the interpretation in the personnel manual; simply refer the document that incorporates the Federal Statutory Provisions and what we are doing and then leave it for the Federal Court for interpretations to take their own effect. Kathy also pointed out by way of example where on page one it states "this isn't a contract" and then goes on to say there are "certain positions that have agreements with the Commissioners" .... since the number of contracts have been reduced significantly, true contract employees - specifically two - simply say that. Just say, these are the contract employees and if other Commissioners in later years decide to do something else, they can amend the policy.

Don and Kathy discussed this and now he wants to present this - it seems more beneficial to have Kathy and Susan Owens deal directly with each other in the general direction that we want any enforceable "at will" policy for the County and let them jointly develop something for our review rather than having this group called the sub-committee act an intermediary between the two. Let Kathy and Susan develop a joint policy they can recommend to us. This will assist in fewer changes and possibly cost less as well. Don asked for direction and authorization to give Kathy and either Chuck or Barbara provide direction to Susan. Don estimated within a couple weeks we should have the draft. Don added he will provide this group a list of Kathy's detailed comments, although when Kathy and Susan get together, most of these will be resolved.

*Sheriff*

Don referred to Tom's policy. The Sheriff has a unique statutory provision and some unique job responsibilities that require or may require that he have a separate policy. Kathy and Don discussed this and her position is - at least for deputized employees it would not be productive to try and take what we do as a County and engrave that for deputized employees. It would be much more efficient to have a separate policy designed for law enforcement staff. Kathy said if this is agreeable, there is no reason why the non-deputized staff - clerical staff - couldn't function under the County policy. Don added the Board discussed earlier in the meeting about taking the County Personnel Policy and putting or adding provisions for deputized staff as necessary to that policy. Kathy was not encouraged by that and suggested a separate policy. Kathy has litigated employee cases on both non-deputized and deputized staff. Don has and does suggest that the Sheriff's current policy undergo review at the same time so even if it is separate, as much as possible it coincides with the County policy. This makes life a lot easier for Don so he is not interpreting a variety of policies.

### *Library*

Don discussed the Library position with Kathy. The Library Board of Trustees is authorized to retain employees for the Library itself, nevertheless it is funded by the County and Kathy agrees with Don that the Library is very much analogous to an elected officials department. Elected officials have authority to hire their own staff, so does the Library Board, but they are still in the ambit of the County. Jaci Sphuler has left a new personnel policy in Don's office for review and he would prefer not to if the Library Board is agreeable to adopt the County Personnel Policy. This will take a discussion between the Commissioners and the Library Board to determine if this is agreeable. Kathy indicated the Library Board can adopt an "at will" policy as long as they follow the right procedural steps.

### *Social Services*

Don - in terms of the Merit System transfer, Kathy and he agree that Don needs to change direction again. His previous position was to wait and see what the Legislature does in regard to the transfer in staff and the results of meetings with County Attorneys and Commissioners. Don changed his former position of - we should move forward quickly to see if "at will" policy could be put into place before further changes are made. Given what Arapahoe and Morgan Counties have done, Kathy has now had a chance to talk to some additional people on her staff in Denver and he and Kathy agree that now we should go back to the original position of wait to the end of the transfer period to see what if any changes are needed to accommodate. Within the next two years, many things could change and the Counties and the State sort out how these new staff positions are going to work. There could be alterations to what will happen with the merit system and those employees; there could be alternations in what the Counties decide they want to do and how they want to handle their system. The other position Don informed the Board previously was, given what the State is now requiring, we can not adopt anything that is implied as an "at will" system for merit system staff. So unless the elected officials left outside of this process, other than the Sheriff, want to have a system that is a progressive discipline merit based system, that is not "at will," we can move forward with that right now. But if the elected officials want to retain an "at will" system, we need to look at developing two personnel systems for over the period of the next two years - one for the old merit system employees and one for the rest of the County staff.

### *Discussion*

Commissioner McCown asked who would become the lines of appeal in the hybrid system the County would be adopting.

Don - that is not defined yet, although presently it is defined in the merit system and by what has been adopted currently. Kathy's recommendation is not to adopt a merit system because it has a very complex personnel system. She told Don that we can develop for merit system employees, a merit based retention and promotion system that has a less complex systems of appeals and considerations; however, it is clear to Don that there will have to some avenue of appeal. That is not defined yet and it is one of those things if needed, will require some time to develop.

Commissioner McCown asked if their appeal would be to the State level?

Don - no it would not be to the State level, it would be as an example to the County Commissioners perhaps or to a separately appointed appeal board to consider nothing but personnel appeals. (Similar to the Citizen Appeal Board for Child Welfare cases.)

Commissioner Martin suggested a system where appeal Boards are made up of an employee, a department head, the administrator, and one Commissioner member and their decision would be able to be appealed to District Court and go through the Court process.

Don added that maybe 10 years ago, when looking at an initial draft of a county personnel policy, the entire range of options was discussed and one of the difficulties we ran into with as board was similar to what Commissioner Martin described. Each of the elected officials would have to agree that they would be willing to relinquish some of their hiring and firing authority -

disciplinary authority - which some of the law enforcement personnel, the Sheriff cannot do. After a lot of discussion the elected officials were not willing to do that.

Georgia asked if the "at will" policy is continued, what policy would social services have?

Don - they would remain under the State merit system until 2001. By that time under current state law, the counties are supposed to take over that staff. The Legislature does not contemplate a County not accepting those merit system staff. That may become an issue in two years and possibly be clarified by the time that happens.

Georgia - for the personnel committee, would they need to review this merit system and be aware of it and know what it's about, or do we not bother ourselves with that?

Don - you may want to, but there is no reason you would have to. This will be a department that functions under the County Commissioners.

Georgia - and vice versa - should they be part of our personnel policy? - the committee?

Don - no I don't think so. They are under the control of the County Commissioners. Don added that he was abrupt at the last Personnel Committee meeting about getting this group back together. A few years ago - 2 to 4 - this was the constituted approval of the Personnel Committee. At that time (Chuck and Don have discussed the involvement of other department heads) and their view was that ultimately it is this group that has to agree on a personnel policy. The Commissioners can adopt one for all of the employees under their control and it is binding on all those employees whatever it may be; Georgia and Mildred could adopt one for their office; Mac and the Sheriff as well; or we can try and work together toward a unified system in which all the elected officials including the Commissioners would sign. Several years we actually did that with the exception of the Sheriff and the DA. Because of that, many times department heads come in with their own interests and divert the committee from reaching the objective of a unified system. So Don made a recommendation to go back to what the Personnel Committee originally was - the elected officials.

Chuck - a unified system is very important because part of the problems with employee morale is that when they see employees in one department under one elected official getting paid different and treated different and better. So if at all possible with the exception of Tom's and Mac's department, and even those to the degree possible to keep equity within the system, he would encourage getting a policy where all elected officials would sign off. This makes life simpler because it seems like, if you don't one gets ahead of the other and it just causes a lot of problem. Georgia - this is different that what she was asking - the personnel committee - one of the things that we do is give recommendations to the County Commissioners and then they make the decisions. So in essence we are relinquishing some authority.

Don - no this group has no binding authority on anyone - Commissioners or you - ultimately the personnel committee can make a recommendation, however it is constituted and the Commissioners could accept it and you could say no. Or the Sheriff or Mildred could say no. And to the extent that you say no - it is not binding on you. The Commissioners could say no and you can say yes, I like this policy. Under statute a personnel policy is only going to be binding if it is accepted by the elected officials.

Mildred - Ken never did sign off on it.

Don - yes, he knew that.

Georgia - once we sign off on the policies, then the way the personnel committee works is that it makes recommendations to the Board of County Commissioners and then they are the ones that either adopt it or not adopt it into the policy - IF - then, there is something of substantial difference that they adopt into this policy. Then as elected officials we need to sign off again?

Don - yes, and periodically elected officials are asked to sign any amendments.

Mildred - the one thing that came out in personnel committee meeting was the fact of where are we going from here? What do we need to get back to? Are we going to keep the whole personnel committee together anymore? or should we go back to where we were with just elected officials?

Chairman Smith - Don recommended that is what we do. Tying in with that, just elected officials, when we actually have someone now in charge of the personnel department, where do they fit into the overall picture?

Don - from his perspective for the most part of those that should be attending your meetings, is this group and Chuck. He should only be present when you need or ask for legal advice on a specific issue; Chuck speaks for his supervisors - all the other employees that are under your direction and when Chuck needs some assistance or you think he should, you should go through Chuck and Chuck should either bring them or you should ask Chuck, is the way Don views it. This needs to be aired out to see how we are going with that.

Georgia - would that include - do you think the Personnel Director would have to depend on her information from Chuck rather than attending the meeting.

Chuck - the way that he is stretched, he would get Barbara involved up to her eyebrows whenever he can.

Don - that is between Chuck and the Commissioners. Barbara works for Chuck under his supervision.

Georgia - that is one of the things in this policy that was handed to us to review that would not appear what the structure was - didn't it look like to you that the Personnel Director was kind of direct in..... I want to make sure that it was the County Administrator, then the department head, then the personnel, not from the County Commissioners to the Personnel Director and to me.

Don - I think you should know when she started drafting it, it was before the Commissioners went through the draft, so probably the structure and operations was under their control.

Georgia - take out other language that has the personnel director in it - if that's how this group decides?

Don - if that's how you decide you want to go and particularly between Chuck and the Commissioners, I think that needs to be ironed out.

Chairman Smith - if we give a recommendation that Susan and Kathy sit down and do this, what you have there in front of you may not be what we have at all in the finished product.

Don - that is probably right.

Georgia - I think we need to give her structure of what the County "Chain of Command" is.

Chairman Smith - right

Don - Barbara?

Georgia - no. Susan Owens.

Don - Chuck did a breakdown of that late last week. Have you disseminated that Chuck?

Chuck - it is with the County Commissioners.

Don - you didn't let the other elected officials know?

Chuck - no I copied Mildred.

Mildred - no

Don - this should go out to all elected officials - it was the breakdown on Chain of Command for disciplinary purposes.

Mildred - if Kathy and Susan jointly develop this then this means we would not need a sub-committee to review, it would come back to all elected officials to review, right?

Don - there may some consequences because for instance we have a classification sub-committee that we rely on the staff to do a lot of the implementation of the personnel policy.

Mildred - no elected official is on that classification sub-committee. Steve served for a time.

Chairman Smith - I would like Kathy and Susan to move ahead on it - I certainly think that is the way to go and then see what we have and what they're recommending.

Don - at this point, he needs to make sure we are moving ahead with an "at will" policy for the entire County; and Tom I would like some statement from you about what we should be doing with your personnel policy.

Tom - we will have to go back to square one. What we did was agree for the most part to conform to County policy and procedures and we do that. There is some things that we conflict

with - like carry over of personnel files to the personnel director. I don't agree with that and have obvious reasons. There can be negative things associated within those files. We re-defined the merit system to participate in that and the reason for that was for the benefit of everyone in the County that create uniformity within the system. But in creating job positions and as it relates to law enforcement functions, some of things are driven by the office of Sheriff and they are appropriate. I couldn't be risked by refusals on part of the County-wide personnel policy. In other words positions are unique to that particular function and office, ranking like sergeants and lieutenants. So it is preliminary for me to even comment. I would have to give this a lot of thought and have a lot of discussion about how much participation we would have and maybe the outcome would ultimately be for the County to say, do you own. I don't know. I think it is to everyone's benefit that we conform as much as we possibly can and it really isn't much a conflict or much of a problem every since we adopted that policy.

Don - what I would like, and I won't unless both the Board and Tom agree on this, is to have Susan and Kathy frankly re-do your policy Tom so that it would coincide as much as possible with whatever new policy is adopted by the County.

Tom - Sheriff's across the State have pretty much agreed, in spite of the "at will" statute pertaining to the office of Sheriff, that attorneys have advised us all that we should or at least it would be prudent for us to continue to follow a disciplinary practice and procedure of the escalated procedure. They recommended that because the statue has come under fire in this last year. Mainly, the Sheriff deputizing various individuals and thus having the statutory authority of immediate dismissal without cause. And we do, we have within our policy and procedures a disciplinary process which parallels very much with the County.

Chairman Smith - I though you had a statutory "at will?"

Tom - we do, but what the attorneys have told us is that we should take it upon ourselves to implement the process of disciplinary procedures - verbal, written, suspension etc.

Chairman Smith - pretty general - is that other County Attorneys or...?

Tom - answered the Sheriff's Association and legal council to that organization. What they have found is that if they choose to dismiss without cause then it can be challenged by Fair Labor Standards procedures on discipline, even though the Sheriff's statute is very specific, it has been challenged and that's why the statute has come under fire in the last year and in years past.

Don - it has never been amended though.

Tom - there are certain individuals who represent the Sheriff being sworn as his designee, that he has to have confidence that he can function because he is representing that office. This is probably why it hasn't ever come out of committee. There have been clear cases where Sheriffs have dismissed individuals for what could be considered wrongful cause.

Don - there is a difference between cause and wrongful termination and there are certain limitation on the "at will" policies. One of the great problems Don has is when you say "at will" people sometimes fail to recognize that the Federal law still applies even though it is stated "at will" (and that's really where all our cases arise although not many have been brought against Garfield County) but they are usually in the form of free speech, free association, etc. That danger is there. Don stated he was at the point of telling Kathy and Susan what they are supposed to put together. That is why I asked Tom what I did - I don't know if they should be working with you or not or what.

Tom - if we are going to completely re-vamp the Counties policy and procedures, then yes, I think we have to sit down and look at ours and see how much of it parallels and where the differences are. And if the differences are such that it represents a conflict for the office of Sheriff then I guess we wouldn't be able to comply in those areas but it sounds like we are starting at square one and need to sit down and look at both his manual and the County's manual and see if there are significant differences in comparison to the one we agreed to follow a few years ago.

Don - if you have a progressive discipline policy as part of the personnel policies, there are going to be differences that will be significant and the statute that I referred to cuts a couple of ways.

One is that it puts the Sheriff in a position where he can have a progressive policy - disciplinary or disciplinary termination policy - and still be protected by statute. That is what the Sealy case was all about, it was that type of policy in place. The officer was disciplined - sued based on property interest and enforcing that progressive discipline - and the force said no, the Sheriff can not adopt a policy that impinges upon his statutory ability to hire and fire "at will." So in some respects the Sheriff has the best of both worlds. That statute does not apply to any other elected office so if you were to adopt a progressive disciplinary policy then there is a good chance that it would be found to have vested the employees with a property right and there is no statutory right then. It sounds to me like there are significant differences.

Tom - there are, but I don't know that's it's going to pose that much of an issue or a problem. There are only a few areas that are very specific from a statutory standpoint and the rest really aren't and generally we agreed to follow the County's policy and procedures both with the exception of that particular area.

Commissioner McCown - on the surface it appears to me if they had Tom's policy and could draw a line to those specific areas and bring those back to Tom while they are incorporating ours and say - here are the five flavored things that we have found that vary from your policy, how do you want us to incorporate these or do you have to have a policy of your own with these being the core of your personnel policy, the rest of it basically being with ours.

Georgia - the advice that Susan Owens gave our sub-committee when we had been given the task of coming up with reviewing the County's policies and incorporating Social Services by July 1st was, she felt the most expedite way was if we put together the County policy first and then see where the differences are with the other policies. Then we have something solid to work with rather than an evolving policy. Once we have our policy set, then compare it to the Sheriff.

Commissioner McCown - agreed. Only to identify these specifics that are different at the same time.

Georgia - what Susan was trying to say was we've got to make some decisions first that make our policy what it is before we start preparing it.

Chairman Smith - agrees with Larry. The easiest way is when we talk about Social Services and the merit differences which are considerable - that's one thing, but if Tom says most of his is very similar to ours anyway it may not be that complicated. Since we are probably not going to look at Social Services ...

Tom - we follow the County's procedures on hiring; payroll; benefits; time off; virtually everything is there in the administrative policy of the County. The only time we stepped out of that is in the area of disciplinary investigations, internal investigations, etc. These seem to be the primary. And then we follow much the same path along those same lines as the County.

Mac - but it is always more in-depth than the County's policy.

Commissioner Martin - that is what I see.

Tom - and Don says it very well, there comes a point when I can't even deviate from the statutory requirements.

Commissioner McCown asked what Don was looking for today, to remain as an "at will" county?

Don - I need to know what kind of a policy do you want Susan Owens to develop? And some direction from Tom and whether they should be looking at the Sheriff's policy at the same time? What do you want to do with the Library if anything, so we know what to tell Kathy and Susan to develop - who it's for and what it is?

Chairman Smith - the Library - we're still hearing out there they really think they would like to go for a Library District which would take them totally out of the system.

Don - I understand that but it is still a problem. Chuck and I know. They have a personnel issue, they come to Chuck, Barbara and me so I have to go through that policy. What are the possibilities for mistakes on my part and that's why

Chairman Smith - they haven't followed our policy in a long time and have gone outside salary scale in particular.

Don - they have a separate policy similar to the Sheriff, but different from ours. And they are asking me to give them a legal review of their personnel policy and I can do that, but then as Larry's very well pointed out I can end up legally with a merit system, an "at will" system; a library system and a sheriff system. All with different appellate systems, different types of progressive discipline and those are the things that concern me the most as this is where you get the lawsuits.

Chuck - talked to Jaci in advance and said in the interest of time, I would be curious if the Library Board would accept, in concept if we develop a personnel policy, as theirs.

Don - the Library would have an up-to-date legally enforceable "at will" policy as opposed to whatever it is they have right now. This is not going to give the Board of Commissioners any more review authority over their staff - it only means we have a similar policy.

Georgia - if they do adopt our policy, then they should be a voting member on the personnel committee.

Chuck - not necessarily but they would have to sign off on it.

Georgia was reflecting that they would have no difference than the elected officials department and so her concern if they do not have anymore authority over the people they are working for them someone has to represent those people on the personnel committee.

Mildred - well we are not sure we are going to keep it that way or not.

Don - that is another thing I would like to resolve.

Tom - in the current policy, what is the appeals process?

Don - there is none.

Tom - they cannot come to the County Commissioners?

Don - No.

Tom - the department heads either?

Don - under the current policy, terminations have to go through the elected official and if it some departments under the County Commissioners it goes directly to the Commissioners - all the disciplinary actions under the Commissioners is done by the department heads.

Tom - so there is an appeal process per se for the Commissioners?

Don - only to the - not formally, only informally if an employee is not happy with the way the department head is treating them, they can come to the Commissioners just like any other citizen would, but it is not part of the personnel policy.

Tom - and I don't know what the revision would look like, but that would be a real problem for me. If they even had the capability of coming to the County Commissioners.

Don - that is only for people that work for the Commissioners.

Chuck - but they have Tom, and they've come to me and I've said the Sheriff is the final determinate.

Don - Mildred is the final authority in her department, the Commissioners do not have any authority so if it is a termination question, it goes to Mildred, if it's a disciplinary action, in theory, one of her supervisors could handle the discipline and yes the employee could go to Mildred even though it isn't formally. The policy is like for any citizen who can go to an elected officials but they could not go to the County Commissioners as a Board, only person to person.

Commissioner McCown - and ours would be only those County employees that work for Building & Planning and Road & Bridge and true County employees that are under the department heads.

Georgia - so shall we do this by Resolution? or by motion?

Don - I think it would be good - it puts a motion on the table as a Committee.

### ***Motion***

Georgia - I make the motion that we proceed with an "at will" policy for the County.

Mildred - seconded.

Chairman Smith was determined the Chair and called for the vote.

Vote: Dalessandri, aye; Chamberlain, aye; McCown, aye; Martin, aye; Alsdorf, aye; Smith, aye.

***Motion***

Georgia made a motion that we have Susan Owens and Kathy Greer propose a draft policy for the elected officials to review. Commissioner McCown seconded.

Discussion

Commissioner McCown - do we want to include like we mentioned earlier that they review Tom's policy at the same time.

Georgia - that is Tom's decision.

Tom stated that was fine with him. It will give me some insight as to how far apart we really are.

Chairman Smith called for the vote.

Smith - aye; Martin - aye; McCown - aye; Dalessandri - aye; Alsdorf- aye. Georgia - aye.

Don - the last question, it's not clear to me at this point, if it's agreeable to the Library Board, is it all right to have Owens and Greer review the Library and Sheriff's at the same time they are developing one for the County?

***Motion***

Mildred made the motion that at the same time that Susan and Kathy review the policy for the County, that they review the Sheriff and the Library if they want them to.

Tom seconded.

Discussion

Georgia - question- we're voting on something, if they are willing to pay for it?

Don - well we are getting to that now. We have a Committee position so now I need a funding question that is the Commissioners. Also a position from the Commissioners on Social Services in terms of timing for acceptance of merit system employees. The Board has probably taken a position that I have recommended that they try to do it in July and I'm recommending that they change that, so unless there are other motions, I am looking for only the County Commissioners to authorize funding for Greer/Owens to accomplish the reviews just recommended by the Personnel Committee.

Chairman Smith asked Chuck if he had any ideas.

Chuck stated he has not been talking to Susan or Kathy but we can get estimates of cost.

Don - didn't we get an estimate?

Mildred - we had an estimate from Kathy and from Susan too. We didn't have the Library policy review or the Sheriff in it.

Commissioner McCown said he didn't have a problem.

Mildred - Susan was \$3500 and Kathy you figured would be by the hour Don.

Chuck - both of these individuals in the past have done good work.

Commissioner McCown - the Library is expecting Don to give them a legal opinion on theirs at no charge. We're assuming the responsibility of reviewing theirs and there is clearly going to be a charge.

Chuck - that is why I asked that instead of a review, that he go to the Library Board and ask if they understood we would have to look at their policies and submittal of expenses.

Chairman Smith - we have a motion and a second but we didn't vote on it.

Mildred - the motion I had was if they were in favor of it being done.

Chairman Smith - yes, so it looks to me like that if

Commissioner Martin - to ask them to contribute on the review process.

Chuck - it all comes out of the same pocket in the end.

Commissioner McCown - yes, I don't mind doing ours and the Sheriff's - that makes sense.

Chairman Smith - I know the Library has a lot of different policies and a lot of different things that we didn't.

Commissioner McCown - that is going to be a lot harder to adapt.

Chairman Smith asked if everyone understood the motion - it does have "IF the Sheriff's office and IF the Library is willing to" - it's been made and seconded.

***Vote***

Smith - aye; Martin - aye; McCown - aye; Dalessandri - aye; Alsdorf- aye. Georgia - silent.

Don - Larry had some concerns on funding, where are we on funding?

Chairman Smith asked if we could delay this and get some figures for next meeting.

Commissioner Martin - as soon as possible get an update on costs. You will need to have two estimates on that, one if they will take on the Sheriff and the Library IF they want to join in or just revise the Personnel Policy under provisions under the County.

Chairman Smith - asked for this to be discussed at the Commissioners Meeting March 16.

Don - the last issue for the Board is I would like to delay the implementation of the merit system take over at least for 12 months to review what occurs in the State Legislature, given that we will not have an "at will" for merit system employees. Don added he needs a time in order for the Board to look at it again, but he was more looking at a 2001 take over date. You never know what is going to occur and we may want to take

Commissioner Martin - we may want to do it before then

***Motion***

Commissioner McCown - made a motion that we postpone the July 1 take over for merit employees indefinitely to be reviewed later.

Commissioner Martin - seconded.

Vote - Carried.

***Personnel Committee and the Personnel Sub-Committee***

Don - do you want to do anything with the Personnel Committee and the Personnel Sub-Committee, meetings that have already been scheduled?

Mildred - this needs to come up because at our last meeting there were people that were saying that they wanted to know actually if we are going to continue the way we were or going back to how Don felt it should be with just elected officials, or what we are doing. Mildred said there is a meeting is scheduled for March 18.

Georgia - we have a Sub-Committee Meeting scheduled for Wednesday, March 11 and they had specific questions they wanted me to ask at your meeting and they also want to know how the information from this meeting is going to Social Services and Barbara Ramirez.

Mildred said we would take an excerpt out of the minutes and what happened here today.

Georgia - the questions they have asked me, and I wonder if I shouldn't cancel the meeting on Wednesday? Or should the sub-committee review just to point out some details - such as it's not a true chain of command. This would be to make sure we were working with the correct information. Some of these questions, who will be members, voting and non-member, what is the position of the Personnel Director and what's her commitment - are the voting members going to make to the Personnel Committee? If I go back and just call those that were to come to the Sub-Committee meeting and say that even though it hasn't been funded, we are going to have Susan Owens and Kathy Greer review the policy. Basically what we've done is eliminated the sub-committee.

All agreed.

Don - my thought on that is the factual issues. It seems the Personnel Director should know most of the factual problems.

Chuck indicated he didn't feel anyone should spent their time reviewing it.

Georgia - so I just tell the Sub-committee that we really aren't a sub-committee until?

Chuck - there is nothing to review until you get your product back.

Mildred - and then actually it is going to go directly to the elected officials first, not to the sub-committee.

Commissioner McCown - right, that's how I interpreted it.

Mildred - so I'll contact them and tell them this is what happened today and there's no meeting.

Chairman Smith - next week we have an elected officials meeting at 9 A.M.

Mildred - it's the one that Chuck called together.

Chuck - yes, we are just trying to get something going and yes, there is a meeting at 9:00 A.M. on Wednesday, March 18.

Chairman Smith - the Personnel Meeting is at 1:00 P.M.

Mildred - maybe when we sit down at 9:00 A.M. that this is something we can bring up - what we want to do with the Personnel Committee. What else do you have on the agenda, Chuck?

Chuck - nothing at this point.

Georgia - I gave you a list.

Mildred - do we really have things that need to be discussed at the Personnel Meeting?

Otherwise, we need to cancel that.

Georgia - Barbara Ramirez is really the one that had classes and other things that maybe she could just do on a memo to everyone and may not have to have a meeting.

Chairman Smith - a memo could go out to all the employees about the classes so you have it in writing in front of you.

Mildred - maybe get with Barbara and ask her to send a memo out on the classes she is going to have and when they are and also a cancellation on the meeting on the 18th.

Chuck - I need to go back to my notes and see when Barbara's in the Caribbean.

Mildred - so as Chair of the Personnel Committee, we'll just call the meeting off on the 18th and I will get with Barbara and ask her to get a memo out.

Mac indicated this was helpful to him to be included on these discussions.

#### ROAD AND BRIDGE DISCUSSION

King Lloyd gave his report.

#### ***Tires at the Landfill - King Tire Resources - Delta***

King submitted two proposals from King Tire Resources out of Delta for disposing of the tires at the landfill. This included processing and hauling tires at the landfill. King added that the revenue should pay for the disposal.

*Proposal No. 1* included \$.85 per tire for passenger and small truck tires 16"; \$3.00 a tire for processing large truck tires above 16"; \$10.00 for processing off-road tires such as motor grader, backhoe, bobcat, etc. within our capabilities; and \$.85 for processing rimmed tires, for cutting the tire into quarters, removal of rim at no charge and this rim becomes the property of King Tire. King Tire will then haul rims from the landfill.

*Proposal No. 2* included \$81.00 per ton for any size tire within our capabilities to process; Garfield will weigh each load at landfill. (On the average each tire will weigh between 17 and 20 lbs. for passenger and light trucks.)

Payment will be as follows: King Tire will provide a daily count of tires. Each Friday King Tire will submit a billing to Garfield County.

A motion was made by Commissioner McCown to accept the second proposal from King Tire Resources, and pay as other vendors. Commissioner Martin seconded the motion; carried.

#### ***Compliment - Carl Roberts***

Commissioner Martin stated he sent King a compliment on the good job done on the culverts.

#### ***Chen Report for Oil and Gas***

King said they missed connection with King and this would be done next Monday, March 16, at 2:30 P.M.

Discussion took place.

The goal is to have a conceptual presentation for the Oil and Gas Commission before the 31st.

### ***County Road 320 and 309***

Commissioner McCown mentioned with the Tar-sand he would like to see the application start at the Intersection of County Road 320 and County Road 309 and go beyond the Savage Subdivision east to the bottom of the hill beyond Dotson's.

King said this will use up all the Tar-sand.

King added they are having a lot of problem on the switchbacks on the east end as well and he is working with BLM to improve that corner.

Commissioner McCown said this was part of the program for the timber company. They were going to overlay the existing roadway. It gave us the option of improving it before they did the overlay.

As far as the grading and drainage he understood the County was going to do prior to the overlay. King reiterated what the Board wanted to do by saying, on County Road 320 we will break it up into two sections.

### ***County Road 103***

King added there were some objections to having the road widened on the east end. Two landowners have sent the Board letters stating their objections. It is only about 3/4 of a mile where right-of-way is needed.

Chuck stated he would draft a letter to the landowners saying the County needs more right-of-way from their neighbors and they don't want the road widened.

The possibility of condemnation was discussed.

### ***Cell Construction - Landfill***

King said there were about 9 people who had interest in bidding the cell construction and picked up bid packets.

### ***Solid Waste Discussion***

This was set for April 13, 1998 at 2:00 P.M.

### ***Letter - Support of Advocate Safehouse***

A motion was made by Commissioner McCown and seconded by Commission Martin to authorize the Chair to sign a letter for operational support of the Advocate Safehouse; carried.

### ***Economic Development***

Chuck mentioned he stopped by Dalby/Wendland the other day checking into the Economic Development. So far he has found nothing out about any left over funds.

### **COUNTY WORKSHOP: GOALS FOR 1998; GOALS FOR 1998 BUDGET and LONG TERM PLANNING - COUNTY GOALS AND OBJECTIVES**

Chuck Deschenes, Margaret Long, Dale Hancock, King Lloyd and Mark Bean were present.

Chuck mentioned he had put this on the agenda as the budgets start in June 1998. By meeting today and discussing the goals and objectives, it will provide an opportunity for the Board to direct the staff. A former session was held on priorities and these were named as:

Economic Development; the Right to Farm (open space and agriculture are different); and the Jail (get the detention center off the ground.)

Chuck stated one has been met - The Right to Farm was passed.

Chuck asked for input from the Board saying that what he is looking for is direction from the Board so the staff can assist them.

Commissioner McCown defined Economic Development and the Jail as his priorities.

By Economic Development he means a way to diversity the County's tax structure. Again he understands there is some funds left over therefore what is left of those funds from Economic Development may be enough to get things started. He would like to see a task force yet he fully understands that their hands would be tied without some funding available. He added that the third priority - the Jail - has to be moved as the number one priority for 1998.

Chairman Smith added that if we broaden the use of the jail or the facilities with other agencies, it can mean economic development as well.

Commissioner Martin said another area of economic development is currently being pursued with the Airport and the joint shared facility. Additionally, another is with industry coming into the West end - Rifle and cooperative efforts with other counties that may be helping us out with natural resources.

Chairman Smith commented that the Assisted Living Facility in Battlement Mesa will bring in some service needs, medical supplies, etc. that are new.

Commissioner McCown suggested the on-going gas activity is a source of economic development as well.

Chairman Smith said there was a Club 20 speaker focusing on the mid-west talking about the different uses of the natural resources and coal mining came back to the forefront. This area has coal. The other part of that she was fascinated was with the reliance on computers and computer stocks and chips will probably be the market that falls the most in the next few years.

Chuck asked for clarification on the Right to Farm.

Mark said the Right to Farm is basically that farming and ranch activities have the right to continue their normal daily course of actions regardless of the impacts they may create on adjoining new development. It establishes the pre-existing right of the agricultural use over the residential use in rural areas.

Chairman Smith added it emphasizes the odd hours of farming, smells associated, etc.

Commissioner Martin said there was one more thing that needed to be added which was the disclosure to new property owners, before contracts are signed, to make sure they know what the "right to farm" entails.

Commissioner McCown suggested the possibility of publishing Colorado as a "Right to Farm" State same as they do for "Right to Work."

Mark said they discussed this at a Building and Planning Commission meeting and Cheryl Chandler, a real estate broker, indicated that unless it was required of them at that time of listing, then waiting until the day of closing is not very appropriate to bring this issue to the table.

Chairman Smith added that some Counties post a sign at the County limits indicating this County is a Right to Farm County.

Commissioner McCown asked what tactic can be taken to ensure that at the time of listing a policy would be adopted that everyone was notified of this.

Mark said that Cheryl suggested the Board of Commissioners request the Board of Realtors to include it in part of their local listing.

Chairman Smith suggested there is a difference between the existing ranching/farming to continue operations and it was not directed toward protecting the rights of the large hog farms that are coming in various counties.

Mark assured the Commissioners that the County's policy on "Right to Farm" is directly associated with the existing ranching/farming activities.

### ***Economic Development - Telecommunications***

Dale said in connection with Economic Development that it is good that the County has something in place with Telecommunications. Last week a wireless firm out of Denver advised him that in September of 1998 most of the infrastructure would be taken care of up to Vail area. So the fact that we have already implemented language in our Zoning Regulations, as it

relates to both private and public lands on these applications, Garfield County may be ahead of the curve.

### ***Engineer's Position***

Mark said we received three more applications for this position and all are from Florida.

Discussion was held.

Mark and King added their input which included the need for someone on board full-time with a variety of skills.

Commissioner McCown suggested assigning this to a Personnel Head-Hunter and see what is available.

A decision was made to have Barbara verify with the three new applicants of their interest in a Colorado position and wasn't misunderstanding the Internet ad; then submit to the Board for their review.

Mark will report back at the meeting March 16, 1998.

### ***Budget***

Chuck requested feedback from the Commissioners in respect to budgeting.

The Board's consensus was not to rely on the carry-over fund balance.

Commissioner McCown suggested to alert all departments and elected officials that increases in their budgets should not be turned in due to the fact that the County has dipped into the fund balance enough. He further indicated that each one submit a budget that is reflecting realistically on their critical needs.

Chairman Smith added that deferred maintenance needs to be continued each year. And when doing the computers to have things as compatible as possible throughout the County.

Chuck made a suggestion that one person's budget differs in perception from person to person and sees a value to assist the Commissioners to have a County Administrator recommendation in the budget.

Commissioner Martin said that Chuck does have a one to one relationship with all the department heads and will need to go over the budgets.

Chuck said he would even think broader and this would apply to all budgets - this is not binding - but all the resources go to every department in the County. If someone is not budgeting realistically or based on needs then it places all others at a disadvantage in the process. He said he understood that it places him as a target.

Commissioner McCown suggested that Chuck be able to justify his remarks as well.

Chairman Smith indicated one area is additional personnel and she would be looking very closely at any one recommending to make sure they were absolutely necessary.

Chuck added that those funded by grants is not an automatic pick-up into permanent positions.

Commissioner McCown wanted a focus on the lease purchases plan/equipment in our Capital Investment Plan.

Commissioner Martin suggested uniform purchasing and keeping this within the guidelines.

Commissioner McCown said the budget should start in June and stressed the importance of getting these budgets to Chuck so they can be refined before the Board gets them. He said a lot of credibility is assigned to the Administrator and Chuck should get them aligned before they see them.

Chairman Smith commented that when she read through the input from New Castle, some things were very interesting. Instead of asking for so much open space, it was suggested to put that money into some type of a recreational structures.

Chuck summarized the long term plan and whatever we come up with has to be bought off on by the current Board. Some ideas for long range plans can come from staff as far as ideas are concerned but to put together a plan or goals and an objective statement, is something that the Board needs to prioritize. Once the Board does this, it can be changed, but momentum has begun

working in a certain direction and it makes the Commissioners more successful in regards to their term and the impact each one has on the County.

### ***Accounting System***

Chuck indicated he was looking at an integrated accounting system. We know that the present system being operated has to change. He will look at Social Services as well as Eagle and Montezuma County have the integrated programs.

Chairman Smith suggested that Margaret sit down and work with Chuck and then he can get his recommendation back to the Board.

### ***Road and Bridge***

King mentioned the road plan and said it sounded like a Capital Improvement Plan that incorporates a road plan and Road and Bridge combined facilities.

Commissioner Martin added it is overall improvements of the roads in order to plan for future projects to give us direction for 6 months, 1 year and 5 years.

King said if he understands the Subdivision Improvement Agreement, we need to develop a fund balance to work in conjunction with the impact system.

Commissioner McCown added the impact fees are over period of time. In order to have appropriate recommendations on the roads and on the use of equipment, on every land use review the Board needs to know what is needed. An example was on the Four Mile Ranch PUD where King suggested the need for a turn out lane. Commissioner Martin stated we need these specifics on every land use application that the Board reviews.

King added that to enable Road and Bridge Projects, such as the bridge replacement, some funds need to be set aside to complete this since the Bridge Replacement Fund has sunset.

Chuck said Road and Bridge was a good example. In the past due to being in a cut-back mode, the focus was on keeping the revenues and expenditures balanced. These plans being discussed here today become valuable for future use in keeping the infrastructure updated.

Chairman Smith reiterated that the budget starts in June for the next year's budget. Some of the dollars will need to be plugged into as each one knows what those amounts will be.

King said that with respect to the tax money they share with municipalities, he would like to make an approach with the towns to cooperate and get a commitment for use of a portion of their tax money by working on roads that benefit both. King added that he was getting some indications from the Board that some consideration should be given as we are raising the level of maintenance from the past. He said he is having a difficult time hiring employees for the Glenwood district to respond in a timely fashion to winter emergencies. This is due to the cost of living; 2 employees live in Glenwood and the rest live down valley. There is a 45 minute response time. King suggested the possibility of housing subsidies.

Commissioner McCown said it is a concern of the 45 minute response time, but the housing subsidizes is not a precedent they would want to start.

Commissioner Martin indicated that King needs to start thinking outside the box and suggested rescheduling manpower. We are going to give you more and better equipment and King has instilled the thought that they can do better with better equipment and in less time to do the job. Therefore, the Board expected Road and Bridge to show the results. Commissioner Martin also stressed education for better use and care of the equipment, keeping sending his workers to obtain certifications realizing that both employees and equipment are investments.

King voiced his concern about the added population in the Glenwood district.

Commissioner Martin suggested that King may want to consider shift work; vary the shifts and use the option allowed for going to 4 - 10's.

King suggested that long-term planning was needed at the landfill; the County needs to be doing long-range planning and not continuing with the cell disposal. He said - think incinerators.

Chairman Smith asked if the site was good for the use of incinerators, especially with air quality concerns.

## ***Community Operations***

### ***Jail Construction Cost***

Dale provided an overview for 1998. Last year the Jail was being discussed to be built at \$150 per sq. ft. This year it is \$165 per sq. ft. and this will continually increase.

### ***Emergency Preparedness and Emergency Management***

This is a greater concern and especially the toll on volunteers and EMS. This includes the trauma act and all the impact of this plan, all the protocols being a part of the notification, etc. Therefore, this trauma act is going to wreak some havoc on volunteers.

### ***Telecommunications***

The Telecommunications Board is preparing a mission statement. Dale said he discussed with Russell George at the Club 20 meeting the concept of having a call local from Parachute to Glenwood Springs. The idea of calling within your County boundaries without having long distance charges is a form of economic development in some respect.

### ***Community Corrections***

Dale said this program pays as it goes.

### ***Possibility of Employee Vans***

Mark said in order to keep trained employees and face the expense of housing is creating a real transportation issue and he would like to request again the possibility of van-pooling. He would like to explore this opportunity and also of sharing costs to encourage car pooling.

## **PUBLIC HEARING: ELECTION PRECINCTS**

Don DeFord, Joe Kline, Lisa Cain and Mildred Alsdorf were present.

Don inquired if this was publicized?

Mildred stated she sent out 25 press releases which covered all the media and press.

Chairman Smith swore in the speakers.

Mildred said this was a Public Hearing on the reprecinct changes. The reason for having to re-precinct and re-number is the fact that in some precincts she had over 1700 people registered to vote. So we went through the process, with the help of the Democrat and Republican Parties and in the Carbondale area she used the City Clerk. Additionally she submitted a note from Leslie Robinson, Chairman of the Democrat Party indicating the Democrats do not have any problem in approving this. Several meetings were held in her office and she and Joe Kline and Carole Brown drove part of the area one evening. They also went to the Battlement Mesa and worked with individuals including Judy Hayward and Bob Houska in the process of reprecincting.

### ***Major Changes***

Mildred said the major change is there are now 25 precincts in the County and the one major change was in the Carbondale area. Nothing was done with Precinct No. 1 but Precinct No. 2 was divided at Main Street and went out on County Road 108 up to County Road 109 and made a Precinct No. 3. Across the Roaring Fork River Precinct No. 3 became Precinct No. 4. We did not do any changes with Precincts Nos. 5, 6, or 7. Precinct Precinct No. 4 and No. 8 had to be divided again as there was over 1700 registered voters.

Joe Kline stated they moved two blocks over in Precinct No. 1.

Mildred said Precinct No. 8 went from 27th Street down to the Colorado River on Grand Avenue and all the way to South Canyon. With Precinct No. 4 they broke Precinct No. 8 at the East side of Midland from 27th Street South to the Colorado River and took in Glenwood Park and Park West and any other growth that may happen in the Cardiff area. From the Colorado River down Midland and made a new Precinct No. 10 that takes in the West side of Midland and takes in Four Mile and Three Mile. The report we received back was that the people in Four Mile and Three Mile did not want to be divided any way, because they are up that drainage. We put No. 8 - Grand Avenue 27th to Colorado River and East side Midland over in the same area. As far as our

polling place, we are going to try to have two polling places at Sopris Elementary so that Precinct No. 9 and Precinct No. 10 can both vote at the same place.

Mildred stated the biggest thing and the hardest for everyone is the fact of the new numbers, but we will be sending cards out to all voters by the first of April advising them of the Precinct they are in and where they vote. They do not have to re-register.

Mildred continued saying Precinct No. 9 happened to be North of the Colorado River - this is now Precinct No. 11; and Precinct No. 12 which was Precinct No. 10 before is now Precinct No. 12. New Castle was another area that needed to be changed because of the growth in Castle Valley. There were too many people in Precinct No. 12. So we divided that by coming across a ridge line out by City Market, straight across the ridge line and coming over and going down Highway 6 & 24 until we came to an overpass to get to the Colorado River. Every other Precinct as far as Castle Valley and part of Coryell town will be in Precinct No. 15. The rest are downtown and will be in Precinct No. 14. In Silt there were no changes because at the present time the growth rate had not substantially increased. In Rifle, what was Precinct No. 17, the downtown area, Precinct 16 which is now Precinct 21 was a real large precinct. What we did was took in County Road 293 which is Highlands East and added them to Precinct No. 19. For Battlement Mesa we took and squared off and took in the Mesa Ridge Townhouses and added them to Precinct No. 19 which is now Precinct No. 22; (then a division across Monument Gulch to divide Precinct No. 20). In talking, someone said we had not taken into account the number of people living in those area, however, we talked to Battlement Mesa this morning and they gave us numbers of all the property that had been sold and all the numbers they had and we will be close in population by doing all these changes.

Mildred expressed a big thanks to Rob Hkyks the Mapper and Sam Phelps the County Surveyor. Sam provided Mildred with the legals to attach to the Resolution.

Mildred stated the Commissioner Districts will stay the same. Next year they can change the boundaries.

Joe Kline said they spent a lot of time on this.

Commissioner Martin commented that this was no easy task.

Chairman Smith added that Mildred did an excellent job.

Joe Kline complimented Mildred on a great job.

### ***Resolution***

Mildred presented the Resolution and asked to have the Chair authorized to sign. She said that all the attachments have to be sent to the Secretary of State. These will also be looked at with the census.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

Commissioner Martin made a motion to authorize the Chair to sign the Resolution regarding the establishment of the Precincts of the General, Primary and Congressional Elections in 1998 and thereafter as submitted by the Clerk and Recorder. Commissioner McCown seconded; carried.

Chairman Smith asked the question if purging the books was as hard as in the past.

Mildred said it was worse. The National Voters Act prevents her from purging people as easily as before. Arapahoe County tried to do it with both parties coming in and going through and sending certified letters followed by a Public Hearing and they are now in Court.

Chairman Smith said it is going to be harder and harder not to have some elections that have fraud in them.

Mildred said they can take deceased registered voters off.

Additionally, Mildred said with all the 1997 ballots that came back from the 1997 election, they went through these and sent letters to all who had an out-of-state address and asked if they had moved permanently would they sign a paper saying they wanted off our voter roles. The ones that came back with changed addresses or had moved elsewhere within the State were also sent a

letter. At the present time she estimated 3,000 letters had been sent out and about a 40% have responded.

Chairman Smith asked if the County was receiving any extra money from the Federal government to handle the extra cost.

Mildred said no extra money and it costs more due to sending more letters.

Commissioner McCown said another "unfunded mandate."

**FOREST SERVICE ROAD DISCUSSION - MARTHA KETELLE, WHITE RIVER NATIONAL FOREST SUPERVISOR**

King Lloyd, Chuck Deschenes, White River National Forest Supervisor Martha Ketelle and Steve Coupal were present.

The roads that were discussed were: Buford Road and the parking areas; Triangle Park Road; Coffee Pot Road; Four Mile Road; Rifle Mountain Park; and Oasis Creek to the Flat Tops.

King submitted previously written letters to the Forest Service requesting assistance on roads within the White River National Forest. He gave a summary of the problems that began in 1995 in order to update the new Supervisor Martha Ketelle. King added there is a Memorandum of Understanding to maintain certain roads. However, for a number of years he has requested gravel to help maintain these roads and the gravel never appears. He has had meetings and it seems like things are going to happen. King specifically referenced the Buford Road - County Road 245 which is also Forest Service Road 245. To summarize where we are today, King said that three weeks ago when the road began to thaw the danger of vehicles getting stuck in the mud became a major concern and that is what prompted this meeting today. He added that portions of the road became almost impassable except for 4-wheel drives. There is a season still left for recreation. People presume it is County's road and therefore King takes the brunt of complaints. He added formerly it was signed as "entering Forest Service land." He summarized that he is increasingly frustrated and his pleas go unanswered.

At length discussion was held and King went over the correspondence and dates as well as to whom these were addressed. The current issue at hand is a logging permit for Triangle Park this summer and with the condition of Buford Road, King said he has a hard time supporting this project when he cannot manage the road. Safety is an issue.

*Four Mile Road*

King summarized within a month the conditions will be the same on this road. To start with it is not a safe road as there is no guard rail and the road slants to the outside. King has warned the Forest Service of the danger.

Martha Ketelle responded that it was good to have this knowledge and appreciated the County bringing it to her attention. The chief concern for their road budget is there is only enough to maintain 40% of the roads. However, she agrees this should not be on roads that are used heavily by the public and they should be doing their level best to keep these roads open.

Chairman Smith said King has put in a lot of time working with the State Highway funding for Forest Service Roads and we had the support of Rio Blanco County as Buford Road runs into their County on the other end. She summarized it is a very popular road for tourists as well.

Commissioner McCown asked what can we work out that may not entail funding?

Steve Coupal said as he understands it the Rifle District is going to be doing an environmental analysis to develop that aggregate source at Triangle Park. It's the expansion on an old pit.

That's a cooperative effort with Rio Blanco County who is going to come in, crush rock and stock pile it and use it to rock their reconstruction. He thought they were going to leave some more in the pit for the Forest Service. This will need to be worked out. Lynn Pettijohn at the Rio Blanco District is going to be the leader for this analysis and if the Board wants to expand that project, whether it be additional rock, or whatever concerns the County might have, he would be the best person to talk to. Steve added that he will also be talking to him about this meeting.

Commissioner McCown said the County is not in a position to offer funds to crush gravel for the Forest Service's roads but we might be in a position to offer equipment for hauling and placing.

King stated the memorandum of understandings with the Forest Service starts at the cattle guard and goes clear to the Rio Blanco line. You are in the Forest about one mile before the parcels bisect the road. He referenced the MOU and a Schedule A - Road Maintenance Agreements which shows the Forest Service as the surface maintenance responsibility.

Chairman Smith mentioned another issue that needs to be brought to the attention of the Forest Service is the Haywards on Battlement Mesa, this was a Forest Service Agreement as well. King said the Department of Energy was involved in the Rulison project and there were some petroleum spills that got into a pond on the Hayward property and it was damaged. In connection with this, there were a lot of hauls that had to go in and created heavy truck use on the road. The Haywards feel that it was to a high level degree of responsibility of the DOE due to it being their project and didn't do an adequate job of addressing the road. Gary Osier said he had been in contact with DOE and was hopeful of getting the County some money to help make the repairs. King said his understanding of the Forest Service Highway Funding was that every year an interest has to be shown to stay on the list. Therefore, the County and Forest Service need to meet annually with staff to make sure there is follow-up and a showing of interest to stay on the funding list. Since King submitted the letter in 1996, he's heard nothing more from the Forest Service.

Commissioner McCown mentioned the letter dated February 24, 1998 relating to a timber application. It requires a response back to Gary Osier regarding Triangle Park.

Commissioner Martin said he would like the fees to be increased for hunting and the increase to go back into the road systems they impacted which would be the Forest Service and County Roads.

#### *Forest Service Travel Management Plan*

Chuck said that Chairman Smith had mentioned she wanted to discuss the Forest Service Travel Management Plan.

Martha Kettle said the meetings held were to collect specific input for the road system and what they would like to see maintained. They are not talking about closures. The public input needs to be obtained prior to any proposals.

#### *Roadless Inventory*

Chairman Smith asked about former roads no longer being shown on the new US/GS maps.

Steve commented the roadless inventory is just that. As roads get obliterated and they get revegetated, they are taken off of their inventory if there is no future need for them.

Chairman Smith added it becomes a "way" and not a "road." Some are ghost trails.

Martha stated that on the Forest Plan Revision they are looking at the "roadless areas" on the Forest and this is different than the old definition of "roadless." They have gone out and re-inventoried the White River Forest Areas they believe that meet their definition of not being roaded.

Steve said their definition of a "road" is anything that is suitable for a 50" vehicle larger than an ATV vehicle - jeep would qualify. A "way" is nothing more than a ghost road, social road, a trail - it's a travel way out but it would not be on their inventory. At the present they are in the process of mapping "roads" and "ways" and getting them into their inventory.

#### *Hot Shot Crew*

Chairman Smith mentioned that a memo went out from the Forest Service regarding the possibility of a Hot Shot Crew for this area. Therefore, she wanted Martha to know that the County had an interest in developing the Airport and tying into the Rifle Fire Protection District with a sub-station. This concept is in the development stages and wanted the Forest Service to keep the County in mind.

Chuck added that the Rifle Fire Protection District, BLM, the Forest Service and the County are the four entities working jointly in this project.

Chairman Smith added there were actually five entities as they are asking for a donation of land from Bob Howard on the big PUD.

Chuck said this would be in the City of Rifle.

Martha clarified that this ties into the volunteer fire department. She said the White River Forest would be the location of choice but it would be a crew relocated from another location.

Chairman Smith provided some history to show Garfield County's interest by referenced the Montana fire and National Guard adding how the County tried to get the National Guard to have a training facility at the Garfield Airport before they went to Eagle. The Airport is a central location and if they were going to send people out without a lot of training, this would be a good location. They didn't have a lot of dollars and they put the training in at Eagle.

Martha said she will keep in touch and get the Forest Service plans on road maintenance back to the Board and do a better job of coordinating. Martha committed to finding out what things are going well and what things are not going well.

The Board appreciated the Forest Service for coming and hopes this opens the door to working better together.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn; carried.

***Adjourn***

Attest:

Chairman of the Board

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**MARCH 16, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, March 16, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator back-up for Chuck Deschenes - Mark Bean and County Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

Resolution 98-4 Glenwood Springs and Resolution 98-8 for Carbondale was introduced to the Board. It is in conjunction with Cattle Creek Crossing/Sanders Ranch. Both are stating their opposition to the Commissioners approving the PUD plan.

COUNTY ADMINISTRATOR

Mark Bean filled in for Chuck Deschenes in his absence.

***Resolution - Aspen Glen - Riverfront Tract A***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the approval of a preliminary plan for Riverfront Tract A at Aspen Glen Planned Unit Development; carried.

***Resolution - Mitch Heuer - SUP***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the approval of a Special Use Permit application for Mitch Heuer; carried.

***Letter from Casey Concrete - County Road 103***

Mark presented the history of this road. The County entered into an agreement with Casey Concrete to provide upkeep on County Road 103. Part of the agreement was to have studies performed twice a year. Casey would be responsible for keeping the road at a certain level. When King Lloyd brought this to Mark's attention, he wrote a letter to Casey and received a response which stated that Casey no longer uses County Road 103 as the access into the concrete batch plant. Rather, they use a new access granted to Western Slope Aggregates Gravel Pit by the Board of County Commissioners in Resolution 96-48 dated August 5, 1996.

King's argument is that Casey Concrete hasn't done anything for two years to County Road 103 per their agreement and now the road is down to a less than an acceptable level.

Chairman Smith suggested to have Mark contract Casey Concrete and have them come in before the Board.

Mark indicated that the County has not received any reports and Casey was supposed to do this twice a year.

Commissioner McCown commented Casey was clearly in violation.

Mark said that the Resolution was only for Western Slope Aggregates access, however, Sean Mello is under the impression that Casey Concrete was included. The Blues own the property and Western Slope Aggregates own the permit.

***State Patrol - Jail***

Chairman Smith stated that the State Patrol is not looking at joining facilities with the Garfield County Jail. This is long way down the road before they consider any other facility.

***Resolution - Terms for Board and Commissions***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the establishment of certain boards for the conduct of County business and the appointment of individuals thereto; carried.

***Proxy to Telecommunication Board***

Commissioner Martin requested that Dale be appointed as his proxy to the Telecommunication's Board.

Commissioner McCown so moved; Commissioner Martin seconded; motion carried.

***Resolution - National Forest Reserves***

Commissioner McCown made a motion and Commissioner Martin seconded to authorize the Chair to sign a Resolution concerning distribution of receipts from the National Forest Reserves, 1997 and directing the Garfield County Treasurer to make disbursement; carried.

***Community Corrections***

***Status Report-CMI***

CMI is still actively pursuing properties and presently they are working with Donna Fell with Mason and Morris. CMI is trying to get a similar private operation open in Arapahoe County.

***Airport Facility - Mamm Creek PUD - Rifle Creek Land PUD - Fire Station***

The Board reviewed the Mamm Creek PUD to refresh their memory as to where the fire facility land site was located.

Mark found where it was shown in the Resolution for the preliminary plan and read "there will be a single lot within the Subdivision designated as a site for a Fire Station and title to the lot shall be conveyed to the responsible fire protection district within 90 days of final plat approval." So Mark said what they were obligated, as a part of the final plat approval, was to create a Fire Station lot.

Discussion continued.

Mark said the obligation is there but added they didn't provide for it in the zoning. Rifle is planning to put a fire truck in that area.

***TeKeKi - March 18, 1998 - Discussion - Workshop Meeting in Carbondale***

Don advised the Board of what they legally can and cannot discuss at the workshop scheduled in Carbondale Wednesday night. He advised them, as local legislators, to receive input on general safety, health and welfare issues; you can take action on those also in a regular meeting. The only things they cannot discuss are site specific issues dealing with land issues or building code issues that may end up as a quasi-judicial hearing. Carbondale wants to talk about land use and the Board could make suggestions about general legislation that would implement these ideas. They are free to discuss this, but not specific re-zoning issues.

Don, Mildred and the Commissioners will be there - 7:00 P.M. - Town Hall - Carbondale.

Additional discussion.

Don said they could discuss generally the pros and cons on zoning on the peripheral of their town, in fact any type of access to the public roads. But he cautioned the Board they could not discuss specifically how they would resolve direct conflicts between Nieslaniks and Nystrom. They could talk about their ability to rezone areas and should avoid any questions of direct access to Aspen Crystal River Properties and TeKeKi.

Chairman Smith asked Mark to find out who is going to Chair the meeting.

**PAYMENT OF BILLS**

Mark Bean presented the bills and payroll for review and approval by the Board.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to accept the bills and payroll as presented for the month of February 2nd run; carried.

## JAIL DISCUSSION

Sheriff Tom Dalessandri, Dale Hancock, Al Maggard and Mark Bean were present for the discussion.

### ***Jail Count - all time record to date***

Total in Jail: 143; 49 main jail; 46 Work Release; 10 females; 21 other jails; 9 Home Detention; 8 Workender and 11 DOC.

Chairman Smith mentioned that Teller County is taking women sentenced to DOC and asked if they might take females from Garfield County.

### ***Community Corrections - Jail Advisory Board***

Al Maggard mentioned the following dates for upcoming events:

*May 14* in Montrose there would be a briefing for County Commissioners and other officials on Community Corrections - what it is? The basics will be given by the State Association and the Montrose Board.

*April 22 - 25* in Boulder - Sex Offender Notification and New Mandates

*September 1998* - Estes Park - Restorative Justice

Al will advise the Board of more details later.

### ***Ambulance***

Dale reported that by Statute Counties license ambulances. We have licensed all the ambulance agencies and what this is about is the new ambulance that Glenwood Springs received from a grant from the division and to put them into service requires an inspection. It is set for inspection on Tuesday, March 17.

Chairman Smith said that Jack Jones had phoned her and was under the impression that the Commissioners did need to approve the ambulance.

Don will review the statute.

### ***Executive Session - Personnel Issue - Building and Planning***

Barbara Ramirez and Mark Bean were requested to stay.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

## COMMENTS FROM CITIZENS NOT ON THE AGENDA

Tom Zancanella 1465 130 Road submitted a revised edition of a plat. He said the siblings have decided to stay with them. The Board has approved the preliminary plat and this revised edition divides the land up more evenly between Lenora, Bill, himself and his kids. Tom added he has until April of this year to finish the plat and record it.

Chairman Smith determined that Tom is the Personal Representative for the estate.

Tom added it is the same number of lots and the same of everything including requirements.

Originally they had thought they were going to sell Lots 4 & 5 so these were made the 2 acres, but now if the family is going to keep the lots, Tom wants to split the land evenly.

Mark commented that when the plat is submitted it will be slightly different that what they reviewed.

Don determined there was legal access to all the lots and said if the Board does not have any problem with the revisions that when the plat is submitted, the Board can approve.

### ***ISanders Ranch - Court Reporter***

Mark mentioned that the Sanders Ranch will be going to the Planning and Zoning on March 30th.

Don requested authority to retain a court reporter to cover both the Planning and Zoning and the Public Hearing before the County Commissioners. The Court Reporter's fee is normally \$125 for appearance. The more expensive cost is to get a transcript. These are costs that will go through Mark's department and possibly be billed to the developer.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the engagement of a Court Reporter for the two hearings on Sanders Ranch; carried.

#### ***Personnel Manual - Cost Estimate for the Project***

A cost of the project was submitted by the Owens Group, Inc. for a minimum of \$3,520 to a cap not to exceed \$5,280.

Barbara mentioned that Susan Owens has been given Kathy Greer's phone number and understands that Susan will contract Kathy directly. Barbara sent a copy of the Sheriff's Personnel Policy and the Library's Personnel Policy for review.

Don reiterated that Kathy Greer will charge by the hour at the rate of between \$135 and \$150 per hour.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve an amount not to exceed \$5,280 for Susan Owens for the review and to make suggested revisions of the Personnel Policies of the County, the Sheriff and the Library Board; carried.

#### ***Update on the Comprehensive Plan***

Victoria Giannola said they finished all the meetings of round one in which issues were raised in each of the towns and the city. Now they are starting on round two intended to designate land use districts in the area from Parachute to New Castle; also future land use designations or definitions that may arise. The first meeting on land use designations was in Parachute. What came out of that meeting was a request that Parachute and Rifle meet jointly at the next regularly scheduled meeting for the Rifle area. This is scheduled for the end of April. Information is being compiled on agricultural issues, conservation easements, preservation and transfer development rights. She will be meeting with the Planning Commission ahead of time to get their views before the joint meeting.

Prior to this meeting of Parachute and Rifle, the next meeting is scheduled for April 6 to talk about future land use districts. Victoria said she has talked with Jim Yale of Silt about whether or not they would like to have New Castle present at their meeting. Jim will get back to Victoria once he's had an opportunity to talk to his Board and Planning Commission.

Further, Victoria said as an update on the Comprehensive meeting she handed out information on the issues raised in Silt and in New Castle. During the second time around they simply refined the issues - mainly language to be inserted into the Comp Plan.

Chairman Smith was impressed with the recreational facilities instead of open space in the New Castle meetings.

Victoria mentioned that the agricultural community was not too active in these meeting. It was suggested to Victoria in Rifle by an attendee that she make a phone call to the large land owners. Chairman Smith suggested a letter be drafted and send to the soil conservation district - Charles Ryden and Laura Galloway; the Farm Bureau as well.

#### ***Request from Glenwood Springs River Commission***

Victoria presented a request from the Glenwood Springs River Commission to improve the trail in the Glenwood Canyon. They feel in order to widen the trail, using volunteer labor and materials, they need a letter of endorsement for this extension that will be about one to two foot widening for about 16 miles of the trail.

Victoria asked the Board if they wanted her to draft a letter expressing the concerns discussed. Chairman Smith said she was concerned to even approve an extension due to the lack of dollars to maintain emergency services.

The Board suggested a face to face encounter as well with these folks.

Victoria will draft a letter and bring it back before the Board.

#### DEPARTMENT HEADS

##### ***Extension***

##### ***Denims to Diamonds Benefit***

Carol McNeel thanked Commissioner McCown for his help at the Denims to Diamonds benefit. She added that they served 360 people and made about \$7,000 to \$8,000.

##### ***Fairbooks***

Carol said they have not received any bids for the Fairbooks.

Chairman Smith suggested to put a note in the newspapers with all the information.

#### FINAL PLAT - THE PEAKS AT ASPEN GLEN

Mark Bean presented the final plat for the Peaks at Aspen Glen and asked that the Chair be authorized to sign the final plat and subdivision improvement agreement.

Commissioner McCown so moved and Commissioner Martin seconded; carried.

#### Department Heads - Continued

##### ***Employee of the Month***

Rob Hkyks and Barbara Ramirez jointly presented the concept of the Newsletter called "The County Line."

Rob submitted a sample and explained the concept. He added that he will not take on any additional responsibilities other than the editor. He stated he was open to suggestions.

Barbara added that she will include the birthdays.

Mildred thanked Rob for the precinct maps he compiled for her in the reprecincting process.

Commissioner McCown also acknowledged the compliments in the GIS department and added that Rob has been ordered a name plate for his office.

##### ***Personnel***

Barbara said that the ad for the Assistant County Administrator was out in the newspapers. They were advertising in the local areas first; she is also working on the job description.

##### ***County Engineer Position***

Mark stated he asked Barbara Ramirez to follow up on the County Engineer position applicants. Three additional new applications have come in. The ones Barbara contacted from the Florida area were looking for a mid-\$60,000 for salary.

Mark said he would like to talk to the one from Fort Collins.

Barbara will set up the interview. A date was set for March 30, 1998 from 9 - 12 in Room 301.

Barbara mentioned that she will be on vacation from March 30 - April 7 and Chuck will handle any Personnel Issues.

##### ***Communications***

Jim Stevens said that March 31 is his last day. He wanting to check to see if there were any additional things the Board wanted him to do before he left the County.

Commissioner McCown asked if Jim had delivered an updated list of inventory to the Sheriff.

Jim said he gave this to the Sheriff.

The Board indicated there were no other loose ends.

##### ***Special Request***

Jim said he had previously asked the Board for a severance pay package and the Board said that was not allowable. Therefore, he asked if he could leave the County as a fully vested employee. He's only been here for 3 years.

Mildred said this would have to go back through the system and would require a change in the ruling by the Board, as it currently is a 5 year requirement.

Jim said the Board could elect to expend the funds to do this and make an exception. Chairman Smith stated they had never done this before and would be setting a precedent. Jim reiterated all the accomplishments he had made to the County - obtained a \$200,000 grant, assisted in getting the sales tax passed and replaced the equipment in dispatch to name a few. Commissioner Martin suggested he get this request together and hand in to Chuck. Chairman Smith reiterated that Jim could turn in the information to Chuck and the Board would look at it however, it has never been done for anyone else in the past. Mark clarified that the Board needs a dollar figure as to what the difference is between Jim's vested and non-vested rights. This should be given to Chuck who can bring it to the Board. Jim thanked the Board as well as the previous Board in helping the Dispatch Center get to the point they are at now.

#### COMMENTS FROM CITIZENS NOT ON THE AGENDA

Dave Soker of 103 Bacon Court - Palisade, employed by U. S. Fish and Wildlife Services presented to the Board that they are proposing to start a new program. It's a Colorado River Recovery Program and was formed with a cooperative effort with Federal agencies, three States, water and electric providers, conservation organizations, etc. There's a lot of problems with the Endangered Species Act in other areas and one of the things that we are proud of for this area is there have been no lawsuits from either water users or conservation organizations in the 7 - 10 years of working on the endangered fish. He added that he is here as this is a cooperative venture working with local government on this project and as a recovery program. Many of the endangered fish in the Colorado River are found here and no where else. These species of fish were food for the native Americans and early settlers. This group is attempting to bring them back from the verge of extinction. 40 species of fish have already been lost in North American in this century. Their research has shown that two of these endangered fish need shallow wetlands along the river. Dams, dikes and levees have been placed along the sides of the river to prevent flooding. They would like to restore those shallow wetlands by allowing the river to flood specific properties. Dave said he needed to make it clear and the talk about opening up dams and blowing out people down the road or letting the river go natural is not what he is talking about, neither does it have anything to do with these problems and complaints. These shallow wetlands provide the fish with food, shelter and rest during the high flooding events. They consider this to be critical habitat.

There are three key geographic areas where they are concentrating - Green River in Utah below Dinosaur National Monument (razor back suckers); Colorado River from the Utah border up to Rifle; and on the Gunnison River from the north fork down to the confluence of Gunnison and the Colorado River. The flat areas is the concentration and focus area to restore - not in the canyons and steep grading area.

Research also has indicated that the wetlands need to be restored. The question is how can we restore these areas for the fish with a minimum destruction and not infringe on property rights and with the least destruction in the community. What they propose is an environmental assessment that explains their proposal. The comment period ends on Friday, March 20, 1998.

Chairman Smith stated the Board did not get this Environmental Assessment and this is part of the concern they had.

Dave said he would provide the Board a copy of that today.

Dave added they will not condemn property and they are committed to only work with willing landowners. They want to buy the right to allow the river to flood private or public property. The plan is to use the easement process.

Chairman Smith inquired if they only use an easement, is it permanent? Whose liability will it be if it floods - you or the landowners?

Dave said it is a permanent easement and they are thinking about short-term agreements. The problem is that they need to recover the fish permanently, not temporarily. He added that the easement will trail with the deed.

Chairman Smith told Dave that he still did not answer her questions - who will pay for any flooding by opening up a dike and letting the property flood?

Dave said they will pay for any flooding caused by - for instance - opening a dike and allowing the property to flood. We do topography surveys to determine that and judging according to river flows, in most cases, they do what is called "back water areas." When the river flows, they open the property on the down stream side and it flows back in. Another thing if there is no easement on someone's property and there is a potential for their property to get flooded by what they are doing, then they do not flood it or they get an easement. This is a critical point.

Dave submitted the fax sheet and the environmental assessment and encouraged communication. Chairman Smith suggested that Dave schedule a time on the agenda later this Spring as she had a bunch of questions.

A date was set for May 4, 1998 at 11:30 A.M.

#### HUMAN SERVICES

Deb Stewart - Chair of the Human Services Commission; Mike Lucid - Colorado West Mental Health and Margaret Long were present.

Chairman Smith extended congratulations to Deb Stewart who was named "Humanitarian of the Year" for Garfield County.

Deb stated that Mike was going to give the Board the status of the mental health issues in Garfield County and bring them up-to-date.

Michael Lucid of 406 Park Drive, Glenwood, Assistant Executive Director for Colorado West Mental Health gave a presentation of the services provided by this organization.

In summary, Colorado Mental Health is comprised of a number of licensed practitioners and non-licensed practitioners who do counseling. He named the following: Youth Recovery Center - provides services to youth (about 80% of kids diagnosed have a mental health problem); Jacob Center - foster care and works with Social Services; Western Academy - a residential program that is also a part of their system; Social Services - provides mental health services; Law Enforcement officers - provides mental health services as well; and Colorado West Regional Mental Health Center. There are about 40 listings for counselors and psychological therapists in the local phone book; 13 psychologists and 7 psychiatrists. Mike said he feels the system is generally adequate. It is also evident that the people who use the system are pleased with the services. The Aspen Institute did a study of their health care system and found this to be the case. They do provide certain services to veterans under a contract.

Mike said the system is well utilized and the Division of Mental Health tracks utilization of services. In Garfield County they are 76% and 100% over the statewide average for adult and child treatment rates. The adult rate in Garfield County is 17 per 1000 - the State average is 9.65. Their rate for children is 4.75 and the State rate is 7.35.

Mike said the financial impact of donated services (sliding scale) = \$340,000 estimated for 1998; and for the Recovery Center - \$460,000. A total of \$800,000 worth of donated services that Colorado West provides to residents of the County.

Last year they served 988 individuals which is up 25%; 819 were Garfield County residents. They also serve Pitkin and Eagle Counties. Those figures include: 65% adults, 15% adolescents and 15% children. There were up to 3,000 contacts for emergency services. He added they involuntarily hospitalized 40 Garfield County residents last year and 44 the year before. This equal a 20% increase in activity but an actual decrease in hospitalization because of some of the services they provide.

Chairman Smith commented about 9 bed spaces available in Pueblo for mental health holds from the jail.

Discussion about the possibility of Colorado West accommodating these mental health holds.

*Improvements for additional services*

Mike explained in the past years they had a roving psychiatrist covering 9 mountain counties that they serve. They now have a full time psychiatrist - Lowell Straton - certified as a child and adult psychiatrist. Also they hired an advanced nurse practitioner who can prescribe medication. Mike said they had an ATU - crisis stabilization unit which is not locked and deals with folks that are no longer needing hospitalization.

Additionally they recently added an adolescence and child ATU in Grand Junction and allows us access to keep children out of the hospitals.

Due to the steady growth in the last few years they have attempted to develop new and different cost-effective services. One area they are working real hard with is a program of "self-help" with people with persistent kinds of mental illness. They have hired a consumer advocate who is helping clients to find ways to empower one another.

Mike said that folks in Parachute have approached them and they are now recruiting for a clinician that handles substance abuse, mental health, walks on water and doesn't want to get paid a lot.

He commented on some of the issues he sees in the future and with that he gave a definition of "collaboration - an unnatural act between non-consisting adults." This identifies some of the problems of different groups working together. There are different perspectives, languages, requirements place on each one and varying mission statements. Collaboration requires a lot of paper work and documentation.

Another area noticed issues is in clients with dual diagnosis such as mental health and substance abuse combined. They are attempting to avoid having someone fall through the cracks or go unnoticed. One of the major areas are those who are intoxicated and a danger to themselves or others. They are talking about the concept of a multi-crisis/stabilization unit to take people in who are at a crisis level regardless of the reason and support them; then make an assessment.

The other area is the concern of the out-of-home placement of kids within the juvenile justice system and there has been an expressed need for more effective intervention. One of the major areas has been identified as chemical dependence. Funding levels have hampered the development of this area.

ADA Contracts reduced the funding 8% yet they want them to work better with less funds.

Chairman Smith asked if there is a Statewide Clearing House where Mike would learn of pilot programs being tried. She stated this is a real need.

Mike said the question has been posed to the new Statewide Mental Health Division and this is one thing that was put to him - could you create some type of a clearing house for pilot programs.

### ***Update on Human Services***

Deb Stewart provided a quick update on Human Services. She said Garfield County hosted the regional meeting last month at the Rifle Senior Center and had a large attendance. They discussed some training options they would like to look at on a regional level and some would be required by grants. One strong focus that was going to be initially spearheaded by United Way is the Outcome Based Measurements and Goal Development. Deb said today was a United Way Retreat and this item will be on that agenda.

Chairman Smith commented that without evaluation and assessment you do not have a complete program.

Deb mentioned some of the possibilities for training that have already surfaced. Deb Wilde is the new director for new employee orientation; they are updating the phone list for referrals. In connection with this they plan to update the current directories in both English and Spanish. A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into the Board of Social Services; carried.

PUBLIC HEARING: SHAMROCK ACRES PRELIMINARY PLAN - LOCATED SOUTHWEST OF RIFLE OFF OF COUNTY ROAD 321. APPLICANTS: EDWIN AND SHEILA ALLEN.

Mark Bean, Don DeFord, Tim Beck and Edwin T. Allen were present.

Don determined that notification and posting were adequate and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark presented the following Exhibits: Exhibit A - Proof of Publication Exhibit - B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information and Staff Comments; Exhibit E - a letter from the Soil Conservation Service; Exhibit F - letter from the Geological Survey; Exhibit G - letter from the Division of Water Resources; Exhibit H - letter from Mike and Carol Knopp; Exhibit I - letter from Tonya Sebastian; Exhibit J - a letter from Russell and Kathy Marsh; Exhibit K - a letter from Marlis Sturmer; and Exhibit L - a subsequent letter from the Division of Water Resources along with some additional water information. This letter does counter the previous statement about an inadequate source of water.

Mark read some of that letter into the record.

Chairman Smith submitted Exhibits A - L into the record.

Mark said this is a preliminary plan for Shamrock Acres for a 28.04 acre tract of land situated approximately two (2) miles southwest of Rifle, off of County Road 321.

The applicants are proposing to subdivide the tract into three lots of 9.001, 9.002, and 10.034 acres in size and will only have single family dwellings on them.

Mark again stated that he included in the Exhibits an additional letter clarifying that the well proposed will not have an adverse affect on water rights in the area.

Commissioner Martin asked if the water is usable and again specified that he wants to update the regulations to include the water with the analytical evaluation.

Tim Beck High Country Engineering went through his report briefly. The ISDS was mentioned and they have gone out and performed perc test on 2 of the 3 lots; they came in right in the middle of the acceptable range. This seems perfectly normal and adequate for a standard ISDS system to work well. The soils are consistent. The Homeowner's Association papers have been filed with the State and they are expecting them back shortly. There's been a Homeowner's Agreement that included the covenants requested. The well tests are good except the water is high in sodium. That is typical these days to have a reverse osmosis unit for drinking water; there was nothing of any health concerns.

Tim stated the geological survey shows a low spot running through the property. The lots are large enough and they could stay away from them. They should have site specific reports that will address these.

Mark Bean acknowledged the concern on the 25 year contract with Ruedi Water saying it was acceptable.

Edwin Allen - has owned the property for 4 years.

Russell Marsh, Jr. of 1159 County Road 321 said he was directly north of the Robinson subdivision and requested the Board reject the proposal. One of the planning issue was a traffic increase, although his main concern is the water supply. He did acknowledge that he had purchased his land from Charles A. Makarey who subdivided his farm.

In summary, the water is simply not there; the road maintenance is not great; and the west end of the County is overrun with small lots creating haphazard planning.

Tanya Sebastian of 778 County Road 321 summarized the letter she had submitted as part of the record. Her main concern was the water issue as well. She acknowledged that when she purchased her land there was a low water table. She asked if the people who will buy these lots will know that they can not water a horse or a cow with the available water from the well?

Commissioner McCown clarified that the well permit allows water for domestic animals only and 18,000 sq. feet of lawn and garden.

Don DeFord commented that they need to be in compliance.

Commissioner Martin said he was concerned about the replacement of damage to loss of water and requested some mitigation for loss of water.

Mark said that this is a full subdivision review that is required. It is going through that process.

***Recommendation:***

At the time of this report there is inadequate information to properly evaluate the proposed water supply for the subdivision by staff or the Division of Water resources. The staff would suggest the application be continued to the next regularly scheduled meeting to allow the applicant the opportunity to provide the additional information needed to evaluate the proposed water supply and if deemed appropriate, ISDS perc test from the property.

All representations of the applicant, either within the application or stated at the public hearings before the Planning Commission shall be considered conditions of approval unless otherwise state by the Planning Commission.

The applicant shall establish a Homeowner's Association. The Homeowner's Association shall be incorporated in accordance with the Colorado Revised Statutes. The protective covenants, articles of incorporation and other Homeowner's Association documents including By-Laws will be submitted for review by the County Attorney prior to the approval of the Final Plat.

The water allocation contract shall be transferred from the developer to the Homeowner's Association. The Homeowner's Association shall enforce individual compliance through covenants.

The applicant shall pay \$200 per lot in School Site acquisition Fees for the new lots, prior to the approval of the Final Plat.

All roads including the proposed cul-de-sac shall be designed and constructed in accordance with minimum County standards.

The applicants shall submit improvement plans for all roads, bridges, utilities and drainage structures prior to approval of a Final Plat.

Prior to the approval by the Board of County Commissioners, an approved well permit be provided to the County or a letter from the Division of Water Resources, approving the proposed domestic water supply.

A set of covenants will be submitted to the County prior to the review of the BOCC, that demonstrates the proposed method of managing the common elements of the subdivision, particularly the water supply and road maintenance. At a minimum, the following language will be included in the covenants and as plat notes on any Final plat:

1. One dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owners property boundaries. The requirement will be included in the protective covenants for the subdivision with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases.
2. No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.
3. Each subdivision shall have covenants requiring that all exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.
9. That a copy of any Final Plat be provided in both graphic form and on a properly formatted computer disk for transfer to the County Assessor's records and GIS.

Commissioner Martin moved to close the Public Hearing. Commissioner McCown seconded; carried.

A motion was made by Commissioner McCown to approve Shamrock Acres Subdivision Preliminary Plan with the recommendations set forth adding in No. 3 "the Homeowners

Association shall enforce original compliance with covenants referring to the water, specifically as contained in Colorado Division of Water Resources 049477 which specifically speaks to the well itself;" Plat No. 4 "noxious weeds shall be the responsibility of the property owner;" adding a No. 10 "that the applicant shall be responsible for paying road impact fees for two dwellings;" and No. 11 "the standard wildfire conditions of approval." Commissioner Martin seconded.

Discussion: Commissioner Martin addressed his concern for the water issue raised by the current landowners. He stated that he feels the Board needs to watch out who is being impacted in these requests for land dividing. He suggested a monitoring program for ground pollution and to start paying attention to the homeowners that are being impacted that have been there and have vested rights.

Chairman Smith agreed that water is a concern. She has a concern that people will buy these parcels and be unaware that the contract with Ruedi is only for 25 years. They may hold people to that 25 year without a guarantee. It looks like they do have the well but she added the neighbors will monitor the water usage very closely. She suggested that everything that should be done is followed through. Some of the comments made on the road, she wanted to make sure that the road meets the need and isn't torn up because of the need for heavy equipment and fire protection. Further, she said that everything that's in the staff packet is very important to follow; the corrosive soils need to be analyzed very closely. She also suggested they work very closely with the neighbors up there and try to make this a compatible development.

Commissioner Martin added this is only the beginning, growth is going to take hold in the western area of Garfield County.

Mark said he needed to make one correction as he did not include the statement from the engineer regarding the engineered foundation as a requirement and suggested it replace Condition No. 7 which was previously regarding a well permit, which has since been approved.

Chairman Smith suggested these will be covenants as well as plat notes and here's where the weeds and wildfire requirements need to be included as a plat note.

Mark said they will put the well as a condition as a covenant also and recorded it as No. 11.

Chairman Smith added that she wants it in both and would like all wildfire and conditions mentioned in the Fire Department's letter listing addresses, how to construct the road, construction materials for the roof and the defensible space.

Mark suggested in order to comply with Commissioner McCown's request, he said to delete in No. 8 and it would say, "Covenants will be submitted to the County that demonstrates the proposed method of managing the common elements of the subdivision, particularly the water supply and road maintenance." Vote:

Smith - aye; McCown - aye; Martin - nay

CHEN AND ASSOCIATES - COUNTY ROAD IMPACT FEES

King Lloyd, Don DeFord, (Dave Adams from Denver and Frank Carmichael from California on the telephone conference line) and Mark Bean were present.

### ***Oil and Gas Impact Fee***

King said the subject is how to take the 1991 reports and make them relative to the natural gas increase in activity for consideration of development over the County roads.

King said that Frank Carmichael had participated in other studies and was going to provide input. Frank said that the Highway Administration has historically based road impacts on the number of axles and weight and King has this data.

Frank added that the U.S. Forest Service does this kind of work and they return the road to an "as like" condition. Also for County Road 301 and 352, they would be candidates to review as they have the same structure as 7 years ago since there has not been any major reconstruction.

King added that 320 Road is not as consolidated in area as County Road 321. It is hard to sort out the loads.

Dave summarized what he heard Frank saying was to look at those roads and look at the data from 1991 and if the data from 1991 ..... the road should have the useful life of 6 years and we look at it now and say it is still useful, then the road was not getting near the load that we thought. However, if now the road is virtually destroyed then the usable life has been used up as predicted. Frank - road use should be based two factors - axle loads and the environmental damage; the traffic and the weather will accelerate the damage to the road.

King told Frank that he needed to make the Commissioners aware of another fact that one of the more heavily traveled roads that appear on table 2 is County Road 320 and what we are trying to do here is that County Road 311 and County Road 352 are really going to be an experiment. County Road 352 has only been affected in one direction and King said he has a pretty good count on the type of loads that have traveled. It has suffered distress - it has failed and the gas companies have had to come in and rebuilt portions of that road. So King can take the X number of wheel loads that have traveled over that road and survey the condition of the road and see if they could draw a correlation that way. Opposed to County Road 301 has had some activity but it has been moderate and so consequently, the number of permitted loads relative to a good field inspection of that road should indicate that it hasn't suffered much distress. If we can feel good about this correlation then when we go to County Road 320 and try to do the same sort of thing, it's had a tremendous amount of wheel loads but yet it tested to be overall one of the more substantial roads. County Road 320 would take a lot of work as opposed to County Road 352 and County Road 301.

King added some more factors relative to the table 2 from the 1991 report, since that time, County Road 204 - the upper 2/3's of that road has been re-built from the subgrade up; County Road 331 is no longer utilized by the natural gas industry; and likewise with County Road 335. There are some other roads that entered into the picture that were never surveyed. These include County Road 346; County Road 309; and County Road 300. These carry some fairly significant gas traffic. What Frank is proposing here is that if King can give him the back data that we have on those two roads trying to draw a correlation without re-testing with falling rate deflectometer we can get a good feel for that, then go ahead and consider County Road 320 for the same process.

Frank added that one of the reason we do not have deflectometer testing at this time is because of the seasonal factor. The measurements were originally taken in 1991 and the moisture content of the natural soil and your land.

Commissioner McCown - without the testing and using the data from these two roads and then going back and figuring a profile on County Road 320 for instance, would this be a defensible mechanism that we could go to the Oil and Gas Commission and say this is what it will take to make this work to help defray the cost of these roads and this is what we will ask as an impact fee?

Frank - it's okay to go to them and in the long term the Oil and Gas Industry may feel more comfortable with more re-testing again in the Fall. He stated further that the impact fee numbers needs to be practical and collectable. Roads that can be isolated is a key factor and is one reason King is looking at the road where in one direction they are hauling full and the other direction they are hauling empty. The two lanes were built at the same time, by the same contractor, with the same material and yet they have entirely different characteristics. Putting a cost to it and deciding what that cost should be and how reasonable that cost should be will provide the Commissioners something to talk with the Oil and Gas Commission and see what they think. Commissioner McCown - said that Frank was not taking the direction that he was thinking yet he agrees wholeheartedly that the Board needs to go out and take a look at the two roads that Frank and King have decided on, but the Oil and Gas Commission will not be implementing impact fees. The Board of County Commissioners will ask for the Oil and Gas Commission to

implement a rule when they go into a rule making session in March 30th to review rules and there is no time-frame as to how long they will be in this session. They may not go back into a session of this nature for another two years. There is no guarantee of the time frame for rule changes. Therefore, what the Board is going to ask them to implement is before any more permitting of wells will be done, there will be an agreement in place between the Road and Bridge and the County where a well is to be permitted; and the developer, due to that well, will not have any permitting done within the industry. The County is the one impacting the fee and the Oil and Gas Commission will be implementing the rule requiring a Road and Bridge Agreement in place prior to that. No. 1 this road impact fee has to be enough to offset the cost and damage to these road. It cannot be too much or the industry will most likely tie us up in Court and it will not be a collectable fee. If it's such an insignificant amount, it will not in any way be enough to re-coup the cost or to mitigate the damages.

Dave - what will they be asking you to do? to provide any of your ideas or concepts as to how they should look at this issue?

Commissioner McCown - exactly, they want to see a plan that we are going to implement before they would even consider implementing a rule change that would require a Road and Bridge Plan in effect. We can not go into them with one set of numbers and then nine months later if we do another test, come back and say "we were really off here and need an extra \$500 a well, or we were \$2000 a little too high or whatever."

Frank and Dave discussed what they would suggest. Frank suggested the data from the Colorado Department of Transportation saying they have historical data on the historical stress, traffic count, nature impact from the environment. To strengthen our case is to look at the highway research data on four sections; then look at the County's data on County Road 301 and if the data from 1991 fits those lines pretty well, then expand the data base. He added he felt this would provide more credibility.

King - added that his concern with this theory is that C-DOT information is going to be on concrete roads and asphalt roads; the County's roads are chip and seal roads.

Frank - stated they should have and he will check the data base, asphalt roads that have only been 2" of asphalt. Frank stated he will get this information and will write up a "white paper."

King - on the bigger picture, ultimately the County wants to end up with something relative to this Table Two and that could require some extensive meeting. This Table Two was based on the assumption that in 1991 there was going to be 100 wells drilled. That number could be somewhat less or more so once the dollar value has been determined of the road established, then we need to establish what is on the horizon for well development within those impacted areas.

Commissioner McCown - just to give you an update, the 100 well prediction - since January of 1995 there has been 415 wells permitted in Garfield County.

King - then once we have a number of wells over a certain time period and a value of the road established, somehow we need to balance that over what time period we are going to try and depreciate these roads because they can affect the amount per well. Additionally King asked Frank to go over with the Board what he has proposed in this white paper he will be generating for the March 30th meeting.

Frank - summarized that he will provide a 3 to 5 page white paper that discusses the step by step process he is proposing to take in the analysis and call C-DOT and find out how much information available we can use. Then, take one section of County Roads, like County Road 301, and describe the 1991 study in graphs and figures and write a proposal and forward it to the Commissioners. At that point the Board and Frank could critique the report and finally prepare it for submittal to the Oil and Gas Commission to see if this is something they will accept.

King - provided these facts: Back to the mid- 1980's - 986 active oil and gas wells in Garfield County. During 1997 along 144 drilling permits were issued; during 1996 - 94,994 barrels of oil and 42,379,962 cubic feet of natural gas was produced. Garfield County ranks 20th in the State for oil production and 3rd in natural gas.

A date was set for Friday, March 27 for Frank to submit the white paper to the Board in order to have an additional discussion via a telephone conference.

Commissioner McCown - stressed that C-DOT will not affect what the County does with the Oil and Gas Commission. The Oil and Gas Commission's sole responsibility is to regulate the oil and gas industry and they do not need C-DOT's information. What Commissioner McCown said he would be looking for when he goes before the Oil and Gas Commission to ask them to implement this ruling, he will need basically a "cost per mile" and then the Board can plug in where the well will be from Point A to Point B on this road and that will determine the impact fee.

Frank - added that there would be a different rate per road.

Commissioner McCown - that's what he's hoping this study is to reveal. Further, as an example, he explained that if the oil and gas industry will be driving down Road A it will be one price, Road B would be entirely different, and same with Road C.

King said that without the potential number of wells that's accessed for A, B, or C Road, there are no numbers to start with. You know what the basic strength of the road is now and so many wheel loads it will deteriorate to a point and will require a specific number of overlays. This is the missing factor.

Commissioner McCown added the County has not been able to obtain these numbers on a long range plan from the oil and gas industry for a number of reasons: No. 1 it is a market driven industry depending upon gas prices.

Frank said the County does have some historical data - you know what happened in 1997; you know that you have 986 active wells and can possibly make an educated estimate. Without knowing what will happen in the economy this is the only possible thing to do.

Commissioner McCown meets with the Oil and Gas Commission on March 30.

Frank added that he will try to get the report faxed by the 25th so a discussion can be held.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into the Board of Health; carried

BOARD OF HEALTH

### ***Case of Tuberculosis***

Mary Meisner provided the Commissioners with an update on a public health officer that invoked a quarantine order for active tuberculosis on February 19, 1998 involving a transient in the area who was in the detox center. He was taken to the University of Colorado and placed in a locked ward for two weeks. He was on the TB medications and therapy then discharged to the Denver community. He left the Denver community where he was to continue his tuberculosis therapy and now it is suspected he is back in the Glenwood or Aspen area. There is a quarantine order in place from Denver and the law enforcement has been notified.

### ***Case of Meningitis***

On Thursday morning, Mary said they received word from Valley View Hospital that there was a three year old with meningitis. He was with a church group from Garland, Texas that came here to ski. There was a bus load exposed. Mary said her department coordinated with State Health and all of the passengers on the bus were interviewed; injections were given to kids; and medication was given to adults. The Dallas Health Department was contacted and they are investigating. Mary said her department also coordinated with Ski Sunlight as the youngster was in their daycare.

### ***Healthy Beginnings***

Mary said the fund-raiser is to be held on May 9th. She submitted a packet of information about it. Mary said on April 20 at the Board of Health agenda time she will give a more detailed report on Healthy Beginnings. She and Chuck have been working jointly with Wanda.

### ***The New Castle Clinic***

Mary said the Clinic will open up April 1st at Dr. Eicher's office one day a week on Wednesday for 1/2 days. Don is reviewing the contract.

***EPSDT - Early Periodic Screening/Diagnosis and Treatment***

Mary provided information on this program to the Board. She added that Elaine Cloninger is the outreach worker for this program and it is totally funded by a grant and contract from the Department of Health for \$20,129.00. The contract comes to us from the federal government to assure that Medicaid persons, birth to age 21, are given coordinated regular medical and dental treatment and check-ups.

***Dental Clinic Coming to Glenwood Springs***

Mary said there will be a dental clinic coming to Glenwood Springs by July 1. Pediatric dentist Robert Henry will also serve Delta and Frisco.

Commissioner Martin moved to come out of the Board of Health. Commissioner McCown seconded; carried.

ROAD AND BRIDGE - MAMM CREEK; SOLID WASTE CELL BILL AWARD; 4 X 4 PICKUPS BID AWARD

Mark Bean, King Lloyd and Mike McBreen were present.

Cell Bill Awards - 8 respondents - King submitted the three lowest and analyzed.

Martin Construction

\$1.09 P/Cubic Yard	\$85,221.65 + \$2,215.76 = \$87,437.41
Cell A - Start 3/20/98	Cell B - Start 4/27/98
End 4/25/98	End 5/20/98
25 days	18 days

Bogue Construction

\$1.21 P/Cubic Yard	\$94,603.85
Both Cells Start 3/20/98	
Both Cells End 5/8/98	
36 days	

Gould Construction

\$1.36 P/Cubic Yard	\$105,549.75
Cell A - Start 3/20/98	Cell B - Start 4/09/98
End 4/09/98	End 4/17/98
13 days	7 days

King commented that when he put out the bid packets he was very specific that both the number of days as well as the price per cubic yard would be considered.

Discussion included is it possible to close the landfill to all except to Garfield County residents; fees; and incineration.

King said now that Sub-Title D Regulations are in place, the EPA has written clauses into the Sub-Title D regulations that any complaint from an individual will have it investigated. This is in regard to any kind of pollutant - not just air.

King estimated he has between 25 and 30 days left in the cells he is currently operating with now. If he goes much beyond that 25 - 30 days, there is a chance he will have to stock pile and cover the material and then once the construction is done, transfer it to the cells.

Don DeFord confirmed there were two conditions of price and time and both are stated as awarding factors in the bid package.

Commissioner McCown said he didn't like the short time frame and that should never have been an element in this bid package.

King read into the record the wording of the bid acceptance. "Contract will be awarded upon lowest price per cubic yard and the shortest period of time that the contract can be executed in."

Commissioner McCown made a motion to accept Martin's bid for \$87,437.41. Commissioner Martin seconded.

**Discussion**

King said the price they give us is actually a per cubic yard price and he has estimated the cubic yard to be approximately this much, but if they get in there and for some geological reason cannot go that deep, it could be something less than that dollar amount. Therefore, the motion needs to be based on the per cubic yard price.

Commissioner McCown amended his motion to include the dollar amount per cubic yard figure proposed by Martin Construction at \$1.09 and Commissioner Martin seconded the amended motion; carried.

**PickUp's**

Six Four Wheel Drive Pickups, 1/2 Ton & 3/4 Ton - Road and Bridge

**Bidders:**

Columbine Ford	1998 Ford F-150, 220 HP w/std. trans 3.08 Rear axle ration (3.55 optional) Auto Transmission \$824.00	\$ 17,075.00 Total 102,450.00
Delivery 8/10 weeks	1998 Ford F-250 HP w/std trans 3.31 Rear axle ratio (3.73 optional) Auto Transmission \$824.00 7200# GVW rating, 235 HP available with automatic transmission only	18,262.00 Total \$109,572.00
Glenwood Ford	1998 Ford F-150, 220 HP w/stad. trans. 3.55 Rear axle ratio Auto Transmission \$1324.00	Total \$ 99,480.60
Delivery 8 weeks	1998 Ford F-250, 220 HP w/std. trans. 3.73 Real axle ratio Auto Transmission \$824.00 7200# GVW rating, 235 available with automatic transmission only	17,710.45 Total \$106,322.70
John Haines, Inc.	1998 Chev. CK1500, 230 HP w/std. trans. 3.43 Rear axle ratio Auto Transmission \$800.00	18,800.00 Total \$112,800.00
Delivery 8/12 weeks	1998 Chev. CK2500, 230 HP w/std. trans. 3.73 Rear axle ratio Auto Transmission \$800.00 8600# GVW rating	20,500.00 Total \$123,000.00
Berthod Motors	1998 GMC 1500, 230 HP w/std. trans. 3.73 Rear axle ratio Auto Transmission \$796.00	18,178.00 Total \$109,068.00
Delivery 8/10 wks.	1998 GMC 2500, 230 HP w/std. trans. 3.73 Rear axle ratio 5700 Vortex Engine (350) 255 HP, \$980.00 8600# GVW Rating	19,490 Total \$116,940.00

Mike recommended the F-250 Ford 3/4 ton and standard transmission for \$17,720.45 for a total of 5 for \$106,227.00.

Commissioner McCown moved to accept the bid from Glenwood Ford for six of the 1998 Ford F-250, 220 HP w/std. trans. at \$17,710.45/each for 3.73 rear axle ratio, with automatic transmission for \$106,322.70. Commissioner Martin seconded; carried.

**King submitted the Road and Bridge Proposal for Mamm Creek**

King reported that Dean Gordon called and is in Utah rescuing his son who had car trouble on his way home from college.

*Proposal - Mamm Creek*

Summary of the estimated roadway cost by segment:

I-70 to Airport Road (to 352 Road)	\$ 200,000
Airport Road to Hunter Mesa Road	1,800,000
Hunter Mesa Road to end of payment	150,000
End of pavement to Jenkins cut-off	500,000

Discussion:

It was evident that the County would not have enough funds to go all the way with the road improvements to Jenkins cut-off, yet this was how it was understood by the State when the County applied for the Energy Impact Funds.

Chairman Smith read into the record the amount of funds generated by the State - "if compensation is a method of payment, the original contract is modified by deleting \$300,000 and inserting in lieu therefore \$800,000. The Energy Impact Assistance Fund will fund 58% of the eligible expenses up to the maximum of \$800,000. A remaining \$42,000 for 42% of the expenses and all cost in excess of \$800,000 are the responsibility of Garfield County. Should project costs be less than the \$1,367,843 anticipated, the Energy Impact Assistance Fund share shall be reduced so as not to exceed 50% of the total project cost."

King said he talked to Chuck.

Don said he felt we need to get with the State and suggested that Chuck call the State and see if we do not go all the way up to Jenkins cut-off if that will have a bearing on the funds we receive from the Energy Impact Assistance Funds. He indicated that the grant indicates a specific project.

*Direction for Dean Gordon*

King said that Dean would like direction from the Board. He will then attempt to draft some bid documents. If there are other combinations that the Board would like to see entertained in the bidding, Dean would need to know. However, King said at the last meeting, it was stated that the Board wanted to go with the original plan of 1-" of rock and 5" of asphalt in order to withstand the wheel loads that cover this corridor.

*Energy Impact Grant*

Don added that the Energy Impact Grant specifies a specific project and the length of road.

King understood the funds to be a specified number of dollars based upon what they had to give the County. The Board estimated they would be \$2 million short of being able to do the entire proposed road.

Don reiterated prior to finalizing, this should be verified.

King said Dean has anticipated, in some of the bid sections, to do a field survey to make sure the 5" of gravel could be salvaged.

Commissioner McCown - going from I-70 to Hunter Mesa = \$2 million.

Discussion continued.

Chairman Smith suggested that Chuck call Tim Sarmo and get a clarification on the funds.

King stressed that the time elements were critical.

***CCI - Damage to Road for Impact***

King submitted a request from CCI for a report on road damage for impact purposes. The letter has been in someone's office for a month and King only received it several days ago. The information is due next week.

Chairman Smith suggested King put together what he could and write an explanation.

King indicated he was upset over the short time he had to compile this information and wanted the Board to be aware of the time constraints.

***Gianinetti - Nelson***

Don presented the proposal and asked for direction.

Chairman Smith suggested for Don to inform Mr. Gianinetti that we will accept the offer submitted and to provide Mr. Nelson a copy of the proposal.

Discussion:

King was concerned that the system is only guaranteed for one year but Nelson has asked for a drip system for two years guarantee. King's concern was that the drip system will be cut off after only one year.

Chairman Smith suggested that Don also write a letter to Mr. Nelson informing him that we are accepting this proposal from Mr. Gianinetti; obtain a confirmation and signature of Mr. Nelson. The total for the project was \$33,721.75.

#### PUBLIC HEARING: ABATEMENT - BELLA CASA DEVELOPMENT LLC

Steve Rippy presented the abatement for Bella Casa Development LLC.

Chairman Smith swore in Steve Rippy.

Steve explained that the house was actually started in 1996, yet at the time of the assessment, the land was shown vacant. Therefore, the taxes were lowered. The abatement was for \$3,438.56. Commissioner Martin moved to close the Public Hearing. Commissioner McCown seconded; carried.

A motion was made by Commissioner McCown to authorize the Chair to sign the abatement for refund of taxes for \$3,438.56 for Bella Casa Development, LLC for Lot D-16 Aspen Glen Subdivision, Filing No. 1. Commissioner Martin seconded; carried.

#### ROARING FORK BIOLOGICAL INVENTORY - 1997 REPORT

On February 17, Mark submitted the Roaring Fork Biological 1997 Report Summary. This project was partially funded by the Great Outdoors Colorado Grant in 1997 and involved a scientific study of the Roaring Fork Corridor. They have received an additional grant for 1998 from GOCG. They reported the letter of support from Garfield County was included in their applications and wanted to have a few minutes on the Board's agenda to address any comments about the project.

Steve Anthony and Rebecca Shively from the City of Aspen submitted a packet submitted.

Chairman Smith commented that she had received the report from the Pitkin County Board of Commissioner's Chairman Doretha Farris and already informed Pitkin County that Garfield County did not have the \$12,000 to contribute.

Steve stated he would like to answer any question the Board may have and offered a brief review of the project.

Chairman Smith indicated to Steve that Garfield County's lottery dollars go to the Fairgrounds. Further she suggested that it would be good to have a copy of this report in the Library system and additionally commented that it would be good if Steve could deliver a copy to the New Castle Library.

Steve thanked the Board for allowing them time on the Agenda and appreciated the letter of support.

#### PUBLIC HEARING: PRELIMINARY PLAN DECISION ON PONDEROSA SUBDIVISION LOCATED APPROXIMATELY 10 MILES NORTHWEST OF RIFLE ALONG STATE HIGHWAY 13. APPLICANT: KENNETH ROSE

Eric McCafferty, Don DeFord, John Savage and Kenneth Rose were present.

Chairman Smith swore in the speakers.

Don determined that adequate and timely publication was in order and advised the Board they were entitled to proceed.

Eric presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and all attachments; Exhibit D - Staff Report and Project Information; Exhibit E - Copy of the Garfield County Subdivision Regulations; Exhibit F - Copy of the Garfield County Zoning Resolution of 1978; and Exhibit G - Copy of the Comprehensive Plan of 1984 as amended.

Chairman Smith admitted A - G into the record.

This is a preliminary plan consideration of the Ponderosa Subdivision on an 8.56 acre tract of land located approximately 10 miles northwest of the City of Rifle, along State Highway 13. The applicant proposes to subdivide the 8.56 tract into two parcels of 3.06 and 6.50 acres each. The larger parcel would contain the existing mobile home and other improvements, and the smaller parcel would be developed as a single family residential parcel.

#### Recommendation

At its February 11, 1998 meeting, the Garfield County Planning Commission recommended APPROVAL (7-0) of the Ponderosa Subdivision, subject to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Planning Commission, shall be considered conditions of approval.

A Final Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, water supply, drainage, irrigation ditches, access, utilities, etc.

The applicant shall prepare and submit a Subdivision Improvements Agreement addressing all on-site improvements, prior to the submittal of a final plat.

That the applicant shall submit school site acquisition fees, for the creation of the additional subdivision parcel, prior to authorization of a final plat. The applicant shall be notified of the actual fee that will be applicable at time of submittal of the final plat.

That the following plat notes shall be included on the final plat:

"Pursuant to C.R.S. 30-28-136(h)(I), the State Engineer has found that the water supply for this subdivision will result in the material injury of senior water rights. All prospective future owners are advised to seek a copy of the State Engineer's opinion." "The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Soil conditions on the site may require engineered septic systems and will require engineered building foundations based on site-specific soils testing."

"The individual lot owners shall be responsible for the control of noxious weeds."

That the final plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.

That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted.

The water rights associated with the Ponderosa Spring #2, together with the well permit(s), shall be transferred by the developer to a homeowner's association which shall have the power and the duty to enforce compliance by lot owners with the terms and conditions of the well permit. Appropriate Protective Covenants shall further require compliance with the terms and conditions of the well permit.

That the following provisions be included in the protective covenants governing the subdivision:

One (1) dog will be allowed for each residential unit within this subdivision and the dog shall be required to be confined within the owner's property boundaries. Enforcement provisions shall be developed for allowing the removal of a dog from the area, as a final remedy in worst cases.

No open hearth solid-fuel burning stove will be allowed anywhere within this subdivision. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.

All exterior lighting shall be the minimum amount necessary and all exterior lighting shall be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

Discussion:

John Savage, Attorney for Kenneth Rose addressed the comment made in the staff report and conditions of approval: "Pursuant to C.R.S. 30-28-136(h)(I), the State Engineer has found that the water supply for this subdivision will result in the material injury of senior water rights. All prospective future owners are advised to seek a copy of the State Engineer's opinion."

Don DeFord said he commented to the Planning Commission and would state his position to the Board now. Under State Statute it does permit the Board to go ahead and approve a subdivision even though the State Engineer has found there could be a result in the material injury of senior water rights. The second circumstance is that the Board of County Commissioners can determine that the circumstances leading to the finding of material injury have been corrected. However, his position has been over a number of years that the Board should wait until the State Engineer makes a determination of no material injury, otherwise you have interjected yourselves and the County in what really should be up to the State Engineer or the Water Court. For the most part the Board of County Commissioners have accepted this position. In this instance there are three things to consider - the subdivision is only two lots; secondly, the staff has made its own determination to the sufficiency of the water supply and third, at the time of Planning Commission, John Savage stated they were going to seek approval of the State Engineer. His recommendation is still to wait until the letter has been received from the State Engineer's report and then the Board and the client would have the opportunity to proceed with a clean subdivision in regard to water.

Chairman Smith clarified that John Savage had spoken to the State Engineer and they were submitting an opinion.

Kenneth Rose stated he had spoken to Craig Lewis and said as soon as the letter was signed the State Engineer will fax it here.

Don again recommended that this be postponed until the letter is actually received.

John Savage said he would like to proceed with this as it is only a two lot subdivision and requested the Board approve this today with a condition.

Discussion included to continue this until April 6.

Christopher Manera, P.E. Zancanella and Associates, Inc. was present and spoke in favor of granting the approval.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner McCown to approve the preliminary plan for the Ponderosa Subdivision with recommendations 1 - 9 by staff noting that plat note No. 5 covers the water.

Commissioner Martin seconded; carried.

Community Development - Continued

Dale Hancock submitted the Ambulance Licenses

Don DeFord said the State Statute provides for both licensing of the service and permitting for each ambulance. As far as licensing is concerned no further action has to be taken however, the

ambulance itself needs to be permitted. Don read into the record "each ambulance shall be submit a permit in order to be approved and shall show evidence that its equipment meets or is equivalent to the minimum of equipment requirements set forth in the minimum equipment lists established by Council and approved by the State Board of Health." Therefore, if the County does an inspection, you could authorize the Chair to execute a permit if the inspection demonstrates compliance with State Statute.

Commissioner Martin so moved; Commissioner McCown seconded. Motion carried.

#### DISCUSSION: COUNTY ROAD 109

Don DeFord, King Lloyd, Mark Bean, Larry Green and Dan Cokley with Schmueser, Gordon and Meyer were present.

Dan Cokley submitted alternative No. 2 showing the maximum of 10 foot walls with curb and gutter on the uphill side. The report also showed the preliminary opinion of portable costs that included 12 ' paved lanes and 4' gravel shoulders with a total of 11,450 lineal feet of roadway for a total cost \$1,994,002 without paving the shoulders.

#### Discussion

Don said the wetlands mitigation was taken out. He also estimated approximately 8 acres of land would need to be acquired.

Sam Phelps is working on the information regarding property owners.

It was estimated to cost another \$50,000 to do the bike path which meant paving the shoulders and that would be divided by two - Aspen Glen and the County.

Don said there would be additional costs to do the proper legals; title search; verify ownership; have the appraisal done; and a per acre cost of \$10,000 estimated at \$80,000 negotiated for purchase.

Don read from Resolution 92-056 "The applicant will, where necessary, dedicate to the County the necessary right-of-way along County Road 109 sufficient to ensure a 60 foot ROW through the portion of the roadway through this section." Don said this is specifically referring to the Aspen Glen section and there is not, to his knowledge, similar language on the other portions. King gave his input into the soil nail wall saying it is an unknown.

Commissioner McCown added that the possibility of leaching of water forming a huge void and the potential of the wall coming down was his concern.

Dan Cokley said that the potential of the wall failing is far less with the soil nail wall and provided the Board with a worst case scenario.

Dan said the next step is that he needs to finish the design for the road.

King's concern was that the bike path needs to be the same as the driving lane sections. He stated there could be a problem with people using that for emergency parking and emergency use.

Therefore, the shoulders would have to be the same as the roadway.

Commissioner McCown asked if Schmueser Gordon Meyer needed a motion to approve this design and move forward with the rest of the road.

Dan Cokley said yes.

Don asked whether or not one more meeting was needed or are we close enough now as to where we are with the bike path, conceptual idea, etc?

Commissioner McCown said he would make that motion. Commissioner Martin seconded.

Chairman Smith commented that Dan Cokley did very well and she appreciated the work.

Motion carried.

Don inquired as to the timing so he can obtain the legals from the county surveyor.

Dan said the first thing he needed to do was to wrap up the design and then give something to Sam so he can do the legals.

Don asked if Sam was authorized to go ahead and get legal descriptions.

Commissioner McCown moved that the County Surveyor will be given the authority to go ahead and develop legal descriptions and obtain property owners estimations once the design is done. King asked to add - we've got a construction design estimate from Schmueser Gordon Meyer and included in that estimate is some time for developing a legal description for the new right-of-way - approximately 30 hours. This is relative to the road.

Don added that what he needs are legal descriptions for each property owner.

Commissioner McCown amended his motion to include these additional statements.

Commissioner Martin seconded. Motion carried.

Don said that once we obtain that information did the Board want him to come back to them with the questions concerning an appraiser and someone to do the negotiations.

Commissioner Martin stated "so directed."

### ***Impact Fees***

Mark, King and Don were present.

Don said some discussion was necessary regarding Aspen Glen concerning the impact fees established for this road. Don asked if the impact fees, based on a projected cost for construction, vary in relationship to what we're actually paid for this road. Based upon what is his understanding, the Coryell Ranch may be coming soon and there is some property that will have to access onto the portion of road the County will be building pursuant to this estimate.

#### ***Discussion***

The consensus of the Board was that now it would be possible to have a more realistic number for what it cost to actually build the road.

Don felt this would be an ideal time to look at those impact fees. He added there is another substantial project being looked at on County Road 109 as well.

Commissioner McCown asked if there was an estimate of cost on the County's portion of County Road 109?

Don said no, not as part of the Resolution.

Mark stated he thought the number that was provided was \$800,000.

Don said one of his concerns was that Dean Gordon was working on the County's Impact fees and this may be the time to re-look at those fees.

Mark said he would work with King and come up with some numbers and then review the ones given by Dennis Stranger in that report.

Mark said the Resolution states "unless more definitive costs are provided" and here we are with those exact figures.

A motion was made to adjourn by Commissioner Martin and seconded by Commissioner McCown; carried.

### ***Adjourn - 5:40 P.M.***

Attest:

Chairman of the Board

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APRIL 13, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 13, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Chuck Deschenes and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Marian Smith called the meeting to order at 8:05 A.M.

***Personnel - Discussion***

Barbara Ramirez presented her report. She gathered the County Administrator's job descriptions from over the past years.

The Board directed Barbara to advertise into the ICMA Bulletin, Sunday Denver Post, Colorado Job Finder circulation to all Counties and other States.

Barbara presented information and another Resume to the Board for the Assistant County Administrator position. She asked for direction for scheduling interviews.

A date was set for Wednesday at 1:00 P.M. April 15 for the Board of Commissioners to review the applicants for the Assistant County Administrator's position.

Chuck stated they budgeted \$40,000 as the salary for that position.

The draft on the position for the Assistant County Administrator included the essential duties and responsibilities; there was nothing about financial and accounting responsibilities but in discussing this Chuck said additional information to explore with the applicants should include knowledge and experience with data processing. Chuck stated the accounting office was very capable; the Board indicated they needed someone to answer to such as the Assistant County Administrator.

***Office Space for the County Engineer - Bob Szrot***

Barbara inquired as to the office location for the new County Engineer.

**Discussion**

After evaluating the known space, the Board toured the Extension Office and determined that Chuck should contact Phil Vaughan Construction Management to come in and give space suggestions within Extension for another office.

Chuck stated that clerical assistance in the Administration Office is an issue. Cherie wants full time employment. Barbara added that with a new County Administrator and Deputy Administrator she would be using the clerical also. Chuck stated the Administration Office does clerical work for Dale, Pest and Weed, Personnel and Administration. He asked the Board to consider this request.

**COUNTY ADMINISTRATOR**

Chuck Deschenes gave his report.

***Fairgrounds - Concerns***

Lee Moss will be in at 9:45 A.M. to discuss the Mexican Rodeo Addendum.

Mildred clarified that Don DeFord had suggested the motion made in the Board of County Commissioners be added to the Fairgrounds Agreement as an addendum and Antonio Ruiz should sign it as well as Lee. This was due to the fact that last year Lee had voiced some very strong concerns for the same group.

Chuck suggested it may be needed to be written in Spanish.

Commissioner McCown stated it should be in English.

Chuck commented that Lee had voiced a potential concern for possible prejudice against this nationality.

Commissioner McCown clarified that the last time the group rented the Fairgrounds, they had a problem with crowd control and events should be looked at event by event. If there is a group that has a good track record, there would possibly be no need to have extra security.

Commissioner Martin indicated the Sheriff should be advised when there is an event at the Fairgrounds.

Chuck said he would give the Sheriff a schedule.

Mildred indicated that the City of Rifle permits Special Events Liquor Licenses however, when she saw the Fairgrounds application, she knew they would not qualify for a Special Events Liquor License as they were nonprofit.

#### ***Library Board - Scheduled for Noon Today***

Chuck mentioned they were coming in on concerns for the buildings. He told the Board there were two possible ways to assist them - have the Library Board take money out of their library fund balance and then the Board could assist them later in the year with administrative costs; or he projected that indications are that the Sales Tax may be up this year and the County could pay the capital improvements.

Commissioner McCown said he would personally rather help the Library on their capital improvements rather than their operating expenses.

#### ***Jim Snyder - Asphalt Plant - Rifle P & Z***

Chuck indicated he is meeting with Jim Snyder in the morning. He also has a gravel pit and asphalt plant application in front of the Rifle Planning & Zoning set for hearing on Tuesday evening at 7:00 P.M. April 14. Chuck indicated that Jim may want to use the service road in front of the Airport. Chuck reminded the Board that this is the road of discussion by the Airport Board for potential closure considerations due to the airspace needed for future Airport expansion.

Another issue was the dust control. Chuck asked for input.

Commissioner McCown indicated we needed a representative at the Rifle P&Z Meeting and if the lower road is used, dust mitigation must be imposed. He indicated the road impacts were of concern as well.

#### ***Fire Station***

Chuck stated they were attempting to have a Fire Station meeting this week. Phil Vaughan is spearheading this meeting and Friday is being considered. Mike Morgan, Rifle Fire Marshall would like to expedite the Fire Station at the airport.

#### ***Colorado Division of Wildlife***

Chuck submitted the grant application to the Commissioner for their review. He stated it is similar to the Pilt Program where the Colorado Division of Wildlife pays in lieu of taxes on their land. Most of this ends up going to the schools as they receive about 75%. This requires the signature of all three Commissioners and is for \$8,548.00.

Commissioner McCown moved that the Board be authorized to sign the Impact Assistance Grant Application with Division of Wildlife. Commissioner Martin seconded.

Motion carried.

Discussion

Chairman Smith said this was a lesser amount than what the County has been receiving.

Chuck agreed and stated it was usually about \$13,000. Commissioner Martin clarified that last year it was \$13,281.

This decrease in fees was of concern to the Board and asked Chuck to have Steve Rippy justify the decrease.

Chuck stated it was based on property tax.

The Board decided to hold this until figures could be reviewed from the County Assessor's records.

### ***Decals - Motor Pool***

Chuck said the Motor Pool has a supply of decals.

Commissioner McCown said the Road Supervisor doesn't have a decal on his truck. It is illegal to run the big trucks without a main designation on the side or the Port of Entry will fine them.

Chuck said he would make them aware.

### ***Office Space for Deputy Administrator's Office***

Commissioner Martin requested an assessment to be done of all the various County Offices in order to determine where space may be available.

Discussion

Chuck said he would talk to Callie since she has the extra office space. This could be a relocation for Rob. Chuck will talk with Callie.

### ***Complaint - Airport Board to County Commissioners***

Chuck said the Airport Board wants to levy a complaint to the County Commissioners and has scheduled noon on next Monday, April 20, 1998.

The complaint involves Heli Hut - DBS Air. It seems they have had trouble getting to their particular location. Paul Hoffman, the on-site maintenance man, changed hanger locations and now Heli Hut-DBS Air has a gate problem. Chuck said Heli Hut - DBS Air is feeling they are being given a second place with Paul taking number one priority. Jack Boyd is their mechanic at the Airport and wanted to emphasize a need to have a County representative at the Airport.

Chuck mentioned the Airport Board meeting is Wednesday, April 15.

### **JAIL DISCUSSION**

Sheriff Tom Dalessandri, Dale Hancock, Don DeFord, Al Maggard, Ron Van Meter were present.

### ***Sheriff's Grant - Overtime and Juvenile Detention/Temporary Court Holding Facility***

Ron Van Meter submitted a grant for the calendar year which includes \$8,000 in overtime and \$2,000 for modifications to provide a temporary court holding facility for juveniles at the Courthouse.

Tom explained that one of the Attorney's Interview Rooms on the first floor of the Courthouse was converted with a partition making it suitable for a staff member guard on one side and a two-way mirror in order to observe the juvenile. Tom submitted for desks, chairs, daybed and a one-way viewing window. This temporary holding facility will be available for use by Garfield Youth Services, Colorado West Mental Health and all law enforcement agencies.

Tom said this will be temporary until we see a jail. He said he applied for the grant several times and was told they could renew the grant.

Ron Van Meter stated the Division of Criminal Justice has been involved in the process of the facility from the beginning and has seen the room with the two-way mirror.

A motion to authorize the Chair to sign the grant application to the Colorado Division of Criminal Justice and Delinquency Prevention Act was made by Commissioner McCown and seconded by Commissioner Martin; carried.

### ***Jail Count***

Total - 136. Main jail 32; Work Release 48; females 9; 23 in other jails; Home Detention 7; no Day Reporting; 11 Workenders; 2 State Hospital; of the 23 in other jails, 4 are DOC. Presently they are using space at Mesa, Clear Creek, Jefferson County and Rio Blanco.

### ***Temporary Facility***

Dale passed out the floor plan sketch and explained the modular submitted for consideration was 72x60.

The Sheriff explained they were looking at placing a modular on the UPL site. Spacemaster has been contacted and said they could manufacture a building 30 to 45 days from approved drawings.

Discussion

Chuck said that Mike and Rich are handling this.

The Commissioners gave the direction to demolish the house as soon as possible.

The exercise yard was projected to be at the back of the building.

Chairman Smith suggested perhaps the exercise yard could be placed up against the UPL building.

Dale stated Spacemaster representative Dan Rasmussen gave a projected lease between \$7000 and \$9000 per month, depending upon desired lease term.

A motion was made by Commissioner Martin to continue with the lease with the temporary facility with Spacemaster Building instructed Mr. Hancock, representative, to go ahead and nail down the dollars and the floor plan. Commissioner McCown seconded. Motion carried.

Sheriff Dalessandri said the modular would be utilized for a both a men's and women's unit and for medium and minimum security. He said he was debating if he could totally use the modular unit for Work Release. It depends upon how they maximize the use. Tom said he preferred to use the modular unit for Work Release but generally they do not have more than 25 qualified for this program. The modular will house 14 women and 32 men; but if they double bunk that doubles to 28 women and 64 men.

Spacemaster will provide the drawing.

A decision was made by the Board for Chuck to contract the demolition of the Lift-Up House.

#### **DISCUSSION: 25% FUND - U.S. FOREST SERVICE**

Danny Johnson, District Ranger - Rifle - 00904 County Road 244 - submitted a copy of information regarding the proposed legislation to stabilize the 25% funds. Revenues are generate for public roads and schools. A proposal has been made by the administration to stabilize at the 1997 level or an average of earlier years for the State of Colorado. For Garfield County this locks in at \$388,000 a year that would come to the County from the Forest Service. He added that this would be from now on. This is the tentative plan being proposed.

Chuck said the Forest Reserve Funds is split 95% to Road and Bridge and 5% to Public Schools and it is part of the Pilt Formula. He added when you have a decrease in Forest Reserve Funds you generally have an increase in Pilt Funds.

#### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Chris Landry - 94 Went Blvd.- Carbondale Heritage Fund stated his group and the Aspen Valley Land Trust have agreed to pay \$2,500 each toward the cost of having a mediator from C.D.R. out of Boulder to try to resolve the issues between TeKeKi and Aspen Crystal River Estates Subdivisions on the East Mesa. The problems of access, water and sewer are the current issues and development of the area is opposed by the Town of Carbondale in relation to their Comprehensive Plan. Chris was present to request the Board consider having a representative come to the table. Chris added that he would be presenting the same request before the Town of Carbondale on Tuesday. He added that property owners involved in the lawsuits have agreed to participate: George Allen for his clients; Herb Cline for Terry Considine; Jeff Parker; Donna Nystrom; Brian Schwartz; Richard Montrose; Paul and John Neislanik; the Town of Carbondale and hopefully the Board of County Commissioners. The purpose of the meeting will be to review and establish a procedure in problem solving anticipating a win-win solution. Chris said that Peter Woodrow of C.D.R. will be the mediator.

The meeting was set for April 29, 1998 at 7:00 P.M. in Carbondale.

Commissioner Martin will represent Garfield County in the meetings.

***Ronald Parry - #601 21st Street and Ann Mackley #405 - Sunnyside Retirement Center***

Ronald asked if the Garfield County Commissioners had given any consideration to acquiring land and operating a golf course. He said that the average person is being locked out of playing golf with the increase of green fees. Other Counties have acquired land and constructed, owned and operated golf courses and they are profitable.

Chairman Smith responded that the County is not in the business of parks; there are more immediate concerns they are facing.

Commissioner McCown said that the cost of land and water is very different in Garfield County. He did not see the County competing with private enterprise and clearly indicated not seeing the County pursue this concept.

Ronald Parry said that he would bring in the documentation for the Commissioners to review showing County owned golf courses are making a profit.

**COUNTY BUSINESS - BUILDING AND PLANNING REPORT**

***Monthly Report***

Mark Bean submitted the Activity and Building/Planning Report and reviewed the number of permits and valuations.

Discussion was held.

Chairman Smith suggested that Garfield County follow the example of other Counties and put up signs in the Baxter Pass and Douglas Pass areas stating "This is a Zoned County and Building Permits are Required."

***Silt-New Castle - Comp Plan Meeting***

Mark reminded the Commissioners that the joint meeting with Silt and New Castle regarding continued discussion on the Comp Plan will be held next week.

***Sierra Pinon Subdivision - Homeowners***

Mark reported the work, as stipulated in the conditions of approval, was not being done. Mark said he has called about this leaving a message and no response was received. He asked the Board if he should set a Public Hearing to consider revoking lots that have not been sold. The Board directed Mark to set up a hearing date.

***Casey Concrete - County Road 103***

Mark and King met and discussed this issue. King said that he never saw any reports. Mark had received some reports but anticipated that King would receive the same thing. Mark wanted additional discussion with King Lloyd prior to releasing Casey Concrete from the obligation to repair County Road 103.

**AMENDED SMILACK EXEMPTION PLAT**

Mark explained the proposed amendment to the Smilack Exemption Plat approved a number of years ago. Steve is wanting to a switch a drainage easement that was approved going along the lower end of his property. Technically because Steve is amending the legal description on the plat it requires an amended plat. Mark added that he did not have a problem and if the Board did not have objections they would be amended and brought before the Board for signature. The Board concurred.

**AMENDED FINAL PLAT - RIFLE VILLAGE SOUTH, LOTS 14 AND 15, BLOCK 5. APPLICANTS: DONALD AND CAROL KENNEDY.**

Mark explained that most folks that purchase lots in Rifle Village South are obligated to purchase two lots. Mark must consider with them as two separate lots and cannot deal with setbacks. In order to make garages fit and everything else, the landowners need to erase the common line.

That is what the Kennedy's are requesting and Mark added that he doesn't have a problem with it from a staff point of view.

The Board indicated they didn't have any problem.

#### **DEPARTMENT HEADS**

##### ***Fairgrounds - Antonio Ruiz - Addendum***

Lee Moss presented the Addendum and understood it was discussed earlier. He wanted to make sure he had a clear understanding of why this was needed as he didn't want to get caught in the middle of a discrimination charge.

##### ***Fairgrounds Contract - Kenny Latham***

Lee Moss presented a Fairgrounds Contract and Stall Agreement for Kenny Latham for May 2 & 3.

A motion was made by Commissioner Martin and Commissioner McCown to authorize the Chair to sign; carried.

##### ***County Coroner - Pathologist***

County Coroner Trey Holt - 405 West 7th - was here to discuss the concept of having a forensic pathologist in the area as a follow up of previous discussions with the Commissioners. He said there is the possibility of a retired forensic pathologist being available one year from this June. He is interested in relocating to this area.

Chairman Smith stated this was good timing for Trey to come in as it could be budgeted in the 1999 budget.

Trey stated they could use the hospital and/or the funeral home for autopsies.

Trey stated he has talked to Dr. Stahl at Valley View Hospital and he was in favor. Trey informed the pathologist to send a proposal of what he is proposing; he wants to retire in the area. Chairman Smith stated there was a Five County meeting on Tuesday and she would discuss this with Lake and Summit Counties as well as Eagle and Pitkin. Chairman Smith stated she would also speak to the Commissioners in the local Counties.

The Board wants to pursue the concept of a regional pathologist for this area.

Trey said the pathologist indicated he would rather have salary rather than being paid on a case by case basis. The salary would include any court appearances and if a disaster occurs their would be no additional charges.

Trey stated Moffat and Rio Blanco Counties may be interested as well.

##### ***Extension***

Carol McNeel reported.

##### ***Space in the Courthouse***

The Board informed Carol of their tour of the space within Extension and wants her office for the County Engineer.

Carol indicated that this would leave her in a bind as there is no caged storage space currently in the basement. She had met and discussed this with Rich.

Chairman Smith reminded her that the Board told her originally that they wanted to keep some space available.

Commissioner Martin suggested to do an assessment of all the space in the Courthouse.

The possibility of moving Extension to the Taughenbaugh Building was also discussed.

Commissioner McCown asked Carol if she could consolidate office space with Pat.

The outcome of this discussion was to have Phil Vaughan come in and determine the possibility of enclosing another office within the open area in Extension's space and to use Room 305 as a temporary working space for the County Engineer.

##### ***Fairgrounds Meeting***

Carol asked Commissioner McCown for the best day for him as far as scheduling meetings. Tuesdays will be considered.

*Fairgrounds - Arena*

Collbran - Job Corp.

Carol said that she is still working on this. She has contacted Terry Davis with Department of Local Governments and was connected with Tim Sarmo to find out what Rifle qualifies for. Chuck indicated the first thing that needed to occur is feasibility.

*Covered Arena - Discussion*

Lee Moss mentioned that the Quarterhorse Association took their show and sale to Grand Junction and in asking what it would take to bring them back to Rifle was a covered arena. Lee also said this takes \$2500 worth of revenue away.

Carol said in talking to Willa about available grants, Willa said Carol would need to have a letter of commitment from the Board; use the \$200,000 as a matching or seed money; and the other is to put in some statement about the operation and maintenance of the building - who would be responsible and where those costs would come from.

Chuck gave a budgetary update saying that with the year end balances plugged in at the end of this year, he projected about \$245,000 in the Conversation Trust Fund. The revenue comes in right around \$100,000 a year.

Commissioner Martin would like to see the Board commit to this and get started.

*Basement - Storage*

Carol said she would like to resolve the basement storage issue.

The Board asked Chuck to handle this administratively and construct another caged area. The Board will provide the cage.

Chuck said he has a memorandum going out that items in the basement need to be identified. A sale is to take place and proceeds will go to Garfield County.

**EMERGENCY MANAGEMENT DISCUSSION**

*Fire Truck - Airport Facility*

Guy Meyer reported that the Fire Truck is ready to be picked up.

*Flood Task Force*

He informed the Board that the Flood Task Force is being formed for the State. The County put in a request for a State Geologist to come out and evaluate moisture content; Storm King was named as one to sample. Others named were Red Mountain and Palmer Avenue. This will be presented to the City and go from there.

*Radio Equipment*

Guy said he was having a problem with the radio equipment he uses. It is 10 to 15 years old. The Bendix King is not being manufactured anymore and can't even get a battery for it. The other problem is that the Communication Board changed the codes and Guy wasn't notified.

Chairman Smith suggested that Guy get with David McKenzie, Communications Director.

*River Hazmat Plat*

The River Hazmat Plan will be presented this Wednesday at the Fire Station in Rifle at 10 A.M. The EPA contractor will be doing the presentation.

*Worksession*

Guy asked to schedule a work session with the Board to discuss the growth impacts of this area and the impacts and effects on Emergency Management.

A date was set for April 27 from 9 - 11 for the Worksession.

*Command for Executives*

Guy said he would also like to set up a two hour training session on the command system for Executives showing the Board how they fit into that.

**PUBLIC HEARING: ZONE TEXT AMENDMENT SECTION 3.12 (LIGHT INDUSTRIAL) GARFIELD COUNTY ZONING RESOLUTION. APPLICANT: DALE EUBANK**

Eric McCafferty, Don DeFord, and Ron Liston of Land Design Partnership and Dale Eubank were present.

Don stated this was a Public Hearing but it only required published notification.

Chairman Smith swore in the speakers.

Eric submitted the following Exhibits into the Record: Exhibit A- Proof of Publication; Exhibit B - Application and Attachments; Exhibit C - Project Information and Staff Comments; Exhibit D - Copy of the Garfield County Zoning Resolution of 1978; and Exhibit E - Copy of the Comprehensive Plan of Garfield County.

Chairman Smith admitted Exhibits A - E into the record.

Eric said the applicant proposes adding mini-storage as a use-by-right within the Light Industrial zone text, allow a resident manager's apartment in conjunction with the mini-storage units, and allowed on the same site as the storage units. In addition, the text amendment proposes to allow an owner's or resident manager's apartment with a minimum of 15,000 square feet of storage.

Discussion

Chairman Smith asked why more than one residential unit would be needed.

Eric mentioned he recommended a limited number of residential units be included.

Ron stated the intent was not to have this the language mean one residence.

Dale Eubank stated they were trying to come up with something that works for them and for the County is the Zone Text Amendment.

Ron Liston implied the benefits were that you have the security needed for the least money.

Commissioner McCown relayed his concerns and said he did not go along with the residential included in the business. If it is a business and the security is needed, you put someone in the office 24 hours, 7 days a week.

Chairman Smith stated the surrounding landowners asked if this was going to stay as light industrial.

Eric - recommended all residential use be as a special use.

The Board concurred.

Eric read into the record that he added "Use by Right" under Section 3.12.03 that would allow mini-storage without residential quarters and not having any type of square footage placed on that. Then Section 3.12.033 add "allow mini storage and storage facilities on a minimum of two acres."

***Recommendation:***

At its February 11, 1998 session, the Planning Commission voted 7-0 to recommend APPROVAL of the zone district amendment and suggests the following test and terms be included within Section 3:00 of the Garfield County Zoning Resolution of 1978, as amended: He also read into the record the following: "that "Use by Right" under Section 3.12.03 that "would allow mini-storage without residential quarters and not having any type of square footage placed on that." Then Section 3.12.033 add "allow mini storage and storage facilities on a minimum of two acres."

***Add to Section 3.12.013: mini-storage; storage facilities with two (2.0) acres or greater of enclosed or open storage space shall be allowed one single family residence, either attached to or detached from another structure, provided this residence may only be occupied by the owner of the storage facility or a resident manager of the storage facility.***

***Add to Section 3.12.033: mini-storage; storage facilities with a minimum 15,000 square feet or greater of enclosed or open storage space shall be allowed one single family residence, either attached to or detached from another structure, provided this residence may only be occupied by the owner of the storage facility or a resident manager of the storage facility.***

***Add to Section 3.122.08: All residential structures allowed with the Light Industrial zone district, whether as a use-by-right or special use, shall meet the following standards:***

*One (1) dog will be allowed for each residential unit associated with a storage use, and the dog shall be required to be confined within the property boundaries of said use, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases.*

*No open hearth solid-fuel fireplaces will be allowed within a residential unit. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401 et.seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.*

*All exterior lighting shall be the minimum amount necessary and all exterior lighting shall be directed inward, towards the interior of the storage use, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.*

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve a Zone Text Amendment to: 1) Section 3.12.013 Mini-storage without residential manager quarters as a use by right; 2) Section 3.12.033 Mini-storage; and if residential quarters were to be considered they would be under Section 3.12.033.

Discussion

Commissioner McCown stated that he was disappointed. When he approved the Light Industrial last year, voted for and supported it, he didn't think that when Ron came before us last April and presented the Light Industrial the need for it; the facilities that were there and things that could happen; and how it could benefit the County from an economic base, he never heard mini-storages. There is truly a need for mini-storages but he had a different perception on light industrial.

Ron Liston commented that he said "storage" and didn't misrepresent anything to this Board. With the many uses included in storage he didn't know that it would need to be stated, specifically, but he acknowledged Commissioner McCown's concern.

Vote: Smith - aye; Martin - aye; McCown - aye.

#### ***Executive Session - Aspen Valley Trust Proposal***

A motion was made by Commissioner McCown and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

#### ***TeKeKi - Aspen Crystal River Estates***

A motion was made by Commissioner McCown and seconded by Chairman Smith who stepped down as Chair that Commissioner John Martin be the Board of County Commissioner's representative with the mediator with the attached guidelines and signing agreements from the other entities that anything discussed will not be used in future litigation; carried.

#### **LIBRARY BOARD - ROOF REPAIRS/UPGRADING**

Library Director Jaci Sphuler, Staff - Darlene Merritt, Board of Trustees President Susan Barrena and members of the Board Vi Park, Jimmie Sue Mason, Cheryl Phelps, and Richard Thomas were present.

Jaci Sphuler and Susan Barrena presented.

Jaci said they were here today to appeal to the County Commissioners for money to make emergency capital improvements which include leaking roofs to the New Castle and Glenwood Springs which will cost \$103,284.

Those break out as:

New Castle Branch	
Roof replacement	\$39,864
Framing, fascia, gutter	8,000
Flashings	500

Basement wall recaulking	100	
Total	\$48,464	
Glenwood Springs Branch		
Roof replacement	\$26,642	
Roof over entrance	3,840	
Downspouts and gutters	700	
Exterior repairs	1,284	
Compaction of soil	270	
Concrete threshold	300	
Cracked sidewalk	6,094	
Replace column foundation	800	
Joints and base	1,427	
Excavate/repair waterproofing	(400) est.	
Parking lot, sidewalk	1,500	
Interior drywall	250	
Interior painting	4,826	
Carpeting, upstairs	4,500	
Total	\$54,820	
Total for both buildings	\$103,284	
Current Fund Balance as of February 28, 1998		\$297,564.20
minus all Emergency Capital Improvements		-103,284.00
Leaves		\$194,280.20

Additionally they submitted a list of short term capital improvements at the New Castle Branch for \$23,018; Gordon Cooper Branch \$19,350; Silt Branch \$6,550; Glenwood Springs Branch \$1,476; Parachute Branch \$6,433; and Rifle Branch \$10,896.25 for a grand total of \$69,268.25. Jaci presented the long term capital improvements/planning citing that 800 new or renewed library cards are issued each month with a total of 15,000 residents issued cards; in 1997, 195,359 individuals entered the libraries. As a system, the Library circulated 226,229 items and completed 23,257 reference transactions.

They recommended three options: No Change; Sales Tax increase to 100% of the sales tax proceeds to the Library; or a District either by a Resolution of the Board of Commissioners or a vote of the people.

The Commissioners were in favor of assisting the Library with the emergency capital improvements and suggested they obtain bids and come back before them. They wanted to take things one step at a time.

A discussion was held regarding seeking to change from a County Library to a Library District. There was a consensus among the Commissioners and the Library group to wait until the November 1999 election.

### ***Annual Report***

Jaci submitted the Annual Library Report and said that Holly Klinzman, Parachute Branch Manager did the Art Work.

#### **PERSONNEL POLICY**

This was not discussed. Board was running behind on the Agenda.

#### **BUDGET AND LONG RANGE PLANNING**

This was not discussed. Board was running behind on the Agenda.

#### **ROAD AND BRIDGE DISCUSSION - CULVERT BID AWARD - TRUCK TRACTOR BID AWARD**

King Lloyd and Mike McBreen presented the Culvert Bids as follows:

***Culvert Pipe and Bands***

Dodson - Glenwood Springs	\$ 8,878.89
Delivery 7 - 10 days ARO	
Wheeling Corrugating Co. - Carbondale	\$ 8,930.15
Delivery - 2 weeks ARO	
Grand Junction Pipe - Grand Junction	\$ 8,121.46
Delivery - 7 days ARO	
Big "R" Manufacturing - Greeley	\$ 8,327.28
Delivery 4/30/98 or to meet your schedule	
Contech Construction Products - Denver	\$ 8,124.46
Delivery - 7 days ARO	

King said this is for standard stock of 24, 18 and 15 regular maintenance stock plus bands. Commissioner McCown made a motion to purchase the Culvert Pipe and Bands from Grand Junction Pipe for \$8,121.46. Commissioner Martin seconded; carried.

***Truck Tractor Bids***

Mike presented the following:

**Transwest Trucks**

1999 Freightliner FLD 120SD Tractor	\$ 72,535
Trade-In Allowance for 1985 Ford LT9000	-18,900
Total Cash Difference	53,635
Delivery - February/March 1999	

**Colorado Kenworth**

1999 Kenworth T-800 Tractor	\$ 89,146
Trade-in Allowance for 1985 Ford LT9000	- 11,000
Total Cash Difference	78,146
Delivery - August 1998	

**Mesa Mac**

1999 Mack CL 700 Tractor	\$ 66,233
Trade-in allowance for 1985 Ford LT9000	-12,250
Total cash difference	53,983
Delivery - end of June 1998	

Bob Caldwell of Mesa Mac spoke to the Commissioners and asked them to consider the Blue Book value of the Mack trucks; and consider the continuity of interchangeable parts making it easier for the Road and Bridge mechanics to know one model. He also guaranteed the end of June for delivery.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to award the Truck Tractor from Mesa Mack for \$53,983.00. Commissioner Martin stated he was in favor of having similar trucks for parts and labor considerations. Commissioner McCown added that was not a concern as far as he was involved due to the large expenditure for new trucks this year. Chairman Smith said they would expect the truck in June of this year.

Motion carried.

***Executive Session - Personnel Matter***

Commissioner McCown moved to go into an Executive Session to discuss a Personnel matter. Commissioner Martin seconded; carried.

Commissioner McCown moved to come out of Executive Session. Commissioner Martin seconded; carried.

***Weight and Oversize Report***

King submitted the reports for March.

Discussion

### ***County Road 320 - Barrett Energy***

King Lloyd reported on County Road 320 and a request made by Barrett Energy.

Commissioner McCown stated that Arnold Mackley called him at home and gave the details of Barrett Energy's plight that if the well were drilled now, Arnold could provide the water needed for the work; however, if this was postponed, Barrett Energy would have to provide its own water adding heavy truck trips on the Counties' roads. Commissioner McCown went on to explain that he discussed this with Commissioner Martin and King Lloyd and the three of them made a decision to go ahead and allow Barrett Energy to proceed to drill the Mackley well.

King added that he had assessed the condition of County Road 320 from use of Barrett Energy on the Goad well and there was minimal damage done to the road.

Discussion was held involving the Frost Law and Barrett Energy being contacted to pay for fixing the damage to County Road 320 on the Goad well.

Commissioner McCown moved to ratify the action taken on Friday, April 10 to allow the operator Barrett Resources to proceed and drill the Mackley well with the same restrictions that applied to the Goad well excluding frost moves. Commissioner Martin stated this will save 200 - 300 trips with water trucks which could really do a lot of damage to those roads so he seconded; motion carried.

King said he sent a letter to Barrett Energy making sure they understood the damage clauses were the same and the permitting would be subject to the same policies with the exception of trying to travel during period when frost had set up the road.

Commissioner Martin suggested to follow through on an assessment where road damage has occurred.

King said they are continuing to do their documentation.

The Frost Law was discussed and clarified that it can only be imposed once a year and for a 90 day period.

King explained that he had discussed some possible options with Don DeFord and Don thought an emergency weight restriction could be imposed as an alternative if there was a severe problem.

### ***Mamm Creek Project***

King said the engineers developed a proposal to send to potentially interested contractors and subcontractors. There is a note at the bottom that states the anticipation that the completion of the bid documents is projected for late April and anticipate bid opening will be mid-May. The Contractors they are notifying are: Hill Construction; Grand River Construction; Con-Sy Construction; Earthworks; Aspen Earth Moving; Bogue; Gould; Kelly Trucking; Basalt Construction; Johnson Construction; and United Paving. King said he told them to also contact the Department of Transportation and see if there was any contracts within this area that we could sent bid packages to as well.

### ***German Hill Project***

King said they were moving ahead with this project.

### ***Kimball Creek***

King spoke to some individuals on Kimball Creek and since the Fairgrounds project has been put on hold there is a chance we can get over there and do some good. He did inform the residents it would depend upon the weather.

Commissioner Martin saw the road on Saturday and it is looking real good. The only problem is where they got stuck. They went too far too fast was the only problem.

### ***Speed Limits on County Road 154***

Commissioner Martin requested that King place speed limits on County Road 154 from Westbank to the CMC turnoff. He said these need to be put up as it is not posted. State Patrol cruising the area is not able to enforce the speed limits.

### ***Zoning Violations***

Chairman Smith told King they had discussed earlier today with Mark Bean about having signs placed on Baxter and Douglas Pass that reads - "This County is zoned and requires building permits from Building and Planning." King will get with Mark Bean.

### ***Landfill***

King reported that the Contractor completed the first cell and there was no holdup on trash. Commissioner Martin commented that it looks very nice.

### ***Silt Annexation - County Road 335***

King reported on the Annexation Agreements for Silt.

Don DeFord talked to Karen Sloght who took a look at the IGA and Agreements and her position as Don stated to King. The roads are part of Silt, the County has the maintenance responsibility by agreement for them until certain levels of development are accomplished and if the County wants any other action taken in posting weight permits or weight limits, then Silt would consider this request. They will not take any action and change what is posted out there right now. If it is posted, Silt will have to take action - either the Sheriff or the Port of Entry.

Don said if the Board wants to take official action, then Silt will enforce the limits. Silt will have to pass an Ordinance to do it.

King said the reason this came about was that for tandem axle trucks, the weight limit that is posted on those roads is slightly less than what it would be for the interstate. The gravel pit operating in that area didn't understand and perceived the weight limits were posted for the bridge. King explained it was on the road and was based on engineering recommendations. This road ties into a State Frontage Road and this allows Frei to haul a heavier load than what the interstate is posted - another few thousand tons. Our County Roads can not stand those kind of weights without severe damage. King said his concerns were that we have lost the voice in order to manage the weights of the roads, yet we are still tied to maintaining those roads. This is a potential problem.

Don added that Silt will do whatever the County wants and may even do law enforcement if we ask.

Commissioner Martin suggested we communicate with Silt.

### ***Casey Concrete - Road 103***

Mark Bean and King Lloyd discussed this Special Use Permit.

Mark said that Casey is supposed to submit two analyses per year and since the permit has been in force, he has submitted one report. That was in May of 1995 and it states the Action is the road is to be resurfaced every 3 to 5 years.

King stated there has been nothing done except for some minor patching done on that road.

Mark suggested that they go out and do another evaluation and scoring of the road, then have it the road brought up to the appropriate standard.

Action was decided to be:

A final report from Casey to include a current evaluation to determine the work necessary to be done.

MTI/CO Engineering Environmental Services from Glenwood Springs did the original report in 1995. Mark said the date of the initial application was in 1993.

Mark will send Mr. Casey a letter saying the County's position is that we need a current evaluation done by the original CCL using the base information they had available to score it and that report needs to be submitted to the County. Any improvements identified as being necessary as part of the evaluation would need to be done before he is no longer held responsible.

### ***County Road 103 - Second Issue***

King indicated he had been approached by some of the citizens about why the chip and seal has not been extended through there. He tried to explain that we have some right-of-way problems so a suggestion was made that the County will extend it as far as people are willing to cooperate which is about 3/4 of a mile.

#### ***Citizen - Lease between Rifle and Harvey Gap Reservoir***

Commissioner McCown stated the portion of BLM is fenced and there is a private portion that his lease surrounds that abuts the road. The individual will not fence the exterior. He doesn't mind that there is cattle on it, but it allows cattle to get on the roadway there. The citizen inquired of Commissioner McCown if he could built a fence on the County right-of-way. Don informed him that it was a permitting process and Road and Bridge would have to allow for it on the county right-of-way. The question is, can he fence the driveway?

King said there were guidelines for putting up gates on driveways. The guidelines are when the driveway is open it can not impede traffic.

Commissioner McCown would also like the County Surveyor to locate the County right-of-way. King stated he thought this was open range.

Commissioner McCown agreed it was but they have changed the rules on "cattle on the roadway" - you are responsible if your cow gets hit by a car. This was discussed at the Cattlemen's Association. The citizen is quite concerned that he has everything fenced on his property. Chairman Smith felt a cattle guard makes more sense than a gate.

Chairman Smith asked Don to call the Secretary of Agricultural, Tom Courliss and ask him for a copy of the most current regulation.

A decision was made to have King obtain an estimate of the County Surveyor cost.

#### ***Road and Bridge - New Equipment - Radio***

Chuck reported that there may be a minor problem meaning a slight additional cost; the licenses were not renewed and we may only receive the narrow band frequencies versus the broader bands.

Commissioner McCown said that on some of them when the band is narrow you lose power.

A motion was made by Commissioner McCown that the Chair be authorized to sign the standard agreement for equipment and supplies with Westron Communication in an amount not to exceed \$65,000 for the purchase and installation of the radio system for Garfield County Road and Bridge as set forth on Exhibit A. Commissioner Martin seconded; carried.

#### ***County Road 109***

Don inquired what was happening on County Road 109. He needs 90 days to acquire right-of-way.

King informed the Board that construction had been started on Aspen Glen's portion.

Don said he informed the Attorney that he doubted they could start construction and as this was a County Road and was subject to receiving bids.

#### **SOLID WASTE PLANING - LONG TERM GOALS AND OBJECTIVES; IMPROVEMENTS; RATES**

Canceled.

#### ***County Manager - Elected Officials Input***

Treasurer Georgia Chamberlain, Assessor Steve Rippy, Sheriff Tom Dalessandri and Clerk & Recorder Mildred Alsdorf were present.

Tom stated the elected officials would like to have input into the qualifications and selection process for the hiring of this position.

Georgia said the elected officials wanted to provide input as to the role of the County Administrator; keeping lines of communications open between the elected officials and the Assistant County Administrator as far the planning; and the timetables of everything. Georgia and Tom both agreed that the better the discussion, the better the input for the interview process.

Mildred stated that Chuck is only involved in her office at budget time.

Georgia says the County Administrator serves on her financial committee.

Tom said his department is more heavily involved than any other.

It was decided to discuss this at the April 22 elected meeting.

Georgia stated not only does the County Administrator serve on her financial committee, but her understanding is that the entire County needs to go onto a new computer system for year 2000. Therefore, she Georgia wants to have input into how the two computers and systems need to interrelate.

Chuck stated there are some differences deliberately set up for checks and balances between the accounting office and the Treasurer's office.

Chairman Smith suggested the elected officials put their concerns in writing.

Chuck stated the ad for his replacement included personnel skills to relate with elected officials and department heads.

Commissioner McCown stated the selection process has not been determined; they are closing applications May 1.

Steve's concern was that the County Administrator would be in the learning curve and with preliminary budgets coming up in June, if nothing else the elected officials should come up with some prioritization ideas.

#### ***Grant Application - Federal Administration by State***

Tom submitted a Federal grant administered by the State that covers a variety of things. One was the building and expansion of jails. They did some research and there is a lot of money associated with it. For local facilities in the State of Colorado there is \$495,000. At the State level it is 7 million and can be used for anyone of those projects. Tom felt that if we applied for a portion of this grant, we maybe could use it for furnishing and placement of the temporary facility and help defray some of the costs. The question however, if the Board is interested (Ron has done some of the preliminary work), the application should be submitted by the end of this week. The grant addressed violent offenders and Tom stated that he could certainly make a case for the grant as they have an offending section for an inmate who got violent over another inmate due to the overcrowding as well as he is facing an inability to segregate and classify inmates.

Tom suggested sending a letter to Russell George advising him of what is going on.

Don stated this is a federal grant administered by a State pass through agency - Division of Criminal Justice.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Sheriff to proceed with the grant application for funds allocated for local projects. Carried.

#### ***Discussion***

The Board wanted Tom to go for the big project and base the case of the broader needs.

Commissioner McCown stated to find out the cost of the furnishing and let that be our match.

When we ask for the overall picture, then the County will commit this much in matching - hopefully 70-30 for our participation.

A goal was set to request \$200,000.

Dale will assist with firm dollars on the purchase of the modular.

Tom said they would try to get back to the Board on Monday with a final grant application for signature of the Chair.

#### ***Executive Session - Litigation on City and Temporary Facility - Legal on Placing Temporary Structure on UPL Property***

A motion was made by Commissioner McCown and Commissioner Martin to go into an Executive Session to discuss the ongoing litigation on the jail and legal advise on setting the temporary building; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

**PUBLIC HEARING-SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT LOCATED AT 0841 COUNTY ROAD 225. APPLICANTS: MICHAEL AND KIM AABERG**

Don DeFord, Mark Bean, Kim and Michael Aaberg were present.

Don determined that notification and posting were adequate and timely and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark Bean submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information and Staff Report; Exhibit E - Copy of the Zoning Resolution of 1978; Exhibit F - Copy of a Letter from the Division of Water Resources dated 4/8/98 and Exhibit G - A Copy of a Letter from the West Divide Water Conservancy District dated 12/31/97.

Chairman Smith admitted Exhibits A - G into the record.

This is a Special Use Permit for an Accessory Dwelling Unit for Mike and Kim Aaberg on a 10.296 acre parcel on land located approximately three miles west of Silt along County Road 225. The applicants propose to develop the site with an Accessory Dwelling Unit (ADU) in addition to the existing principal residence. The unit would be 25' by 25' or 625 square feet of residence space and would utilize an existing well, that is proposed to be shared.

Discussion:

Mike Aaberg submitted a letter from the Division of Water Resources where they paid for two acre feet of water.

Chairman Smith said this would be Exhibit H and admitted it into the record.

Mike Aaberg said there is presently a garage as a second building. This application means there will be a dwelling inside the current building.

A motion was made by Commissioner Martin to close the Public Hearing. Commissioner McCown seconded; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the application for Kim and Mark Aabery with all major issues and concerns, suggested findings, and recommendations making an addition to condition number 6 to include "the water be tested to ensure that it is suitable for drinking, for plants, animals and vegetation;" also to add the "right to farm" as a condition; carried.

***Recommendations:***

That all proposals of the applicant, made in the application and at the public hearing, shall be considered conditions of approval, unless specified otherwise by the Board of County Commissioners.

That the accessory dwelling unit shall adhere to all provisions of Section 5.03.021 of the Garfield County Zoning Resolution of 1978, as amended. Specifically, an approved well permit for two (2) dwellings shall be received from the Colorado Division of Water Resources and a well pump test shall be performed demonstrating the following:

- 1) That a four (4) hour pump test be performed on the well to be used.
- 2) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- 3) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;
- 4) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;

5) An assumption of an average or no less than 3.5 people per dwelling unit using 100 gallons of water per person, per day;

6) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

That the accessory dwelling unit shall adhere to the following standards:

"One dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owners property boundaries. The requirement will be included in the protective covenants for the subdivision with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

All exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

**PUBLIC HEARING - PRELIMINARY PLAN FOR LOS AMIGOS RANCH PLANNED UNIT DEVELOPMENT, FILINGS 6 - 10, LOCATED APPROXIMATELY 5 MILES SOUTH OF GLENWOOD SPRINGS OFF OF COUNTY ROAD 114. APPLICANTS: LOS AMIGOS RANCH PARTNERSHIP**

Attorney Larry Green, Tim Thulson, Dean Gordon, Greg Bocker and Terry Eubank were present. Don determined that notification was timely and adequate and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Exhibits A - Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Project Report and Staff Comments; Exhibit - E - Letter from the Division of Water Resources; Exhibit - F - Letter from Roaring Fork School District RE-1; Exhibit G - Letter from the Division of Wildlife; Exhibit H - Carbondale & Rural Fire Protection District; Exhibit I - Letter from the Bureau of Land Management; Exhibit J - Letter from the Colorado State Forest Service; Exhibit K - 3 separate reports and a letter from Wright Water Engineers; Exhibit L - Updated Letter from the Division of Wildlife; Exhibit M - A Report from Resource Engineering ; Exhibit N - A letter from Resource Engineering; Exhibit O - Letter - update Regarding Geology from CTL Thompson; Exhibit P - a note from David Piccone; Exhibit Q - Letter from Lee Leavenworth; Exhibit R - A Drainage Report; Exhibit S - Resource Engineering Report; Exhibit T - A report to McLaughlin Water Engineers; Exhibit U - A Letter from Glenwood Springs Rural Fire Protection District; and Exhibit V - Amended Phasing Plan for Los Amigos Ranch Filing 6 - 10.

Chairman Smith admitted Exhibits A-V into the record.

Mark gave a brief review of the submitted project information and staff comments including:

This is a preliminary plan for the Los Amigos Ranch PUD filings 6 through 10 on a 1703.058 parcel of land located approximately two (2) miles southeast of Glenwood Springs off of County Road 114.

The proposed subdivision includes five (5) separate filings of the approved Los Amigos PUD. Filings 6 - 10 consist of 168 single family lots on a total of 1703.058 acres of land, of which 975.927 acres is Open Space. There are four Rural Residential lots totaling 223.6 acres or an average of 55.9 acres in size. The remaining 164 single family lots cover an area of 503.6 acres with an average lot size of 3.1 acres each. The remaining 4.6 acres of land is identified on the PUD plan as a Neighborhood Commercial area. This area is shown on the Preliminary Plan as "presently non-developable neighborhood commercial", and the applicant states that the area is to be designed as an area subject to future subdivision review.

Comments:

Michael Erion - Wright Water Engineering - stated he would like to submit some detailed information that presents additional comments on the April 6, 1998 report by Resource Engineering regarding the proposed ISDS systems for Los Amigos.

Chairman Smith admitted Exhibit W into the record.

Michael said they did review of the entire project. There were two major issues: the drainage and on the waste water disposal system. Drainage: the applicant has installed proposed detention basins to maintain and handle run-off at or below historical levels. The detailed calculations have been submitted and they reviewed it and it will work for the drainage. Michael said he believes there needs to be a detailed grading plan for these detention ponds showing the outlets and storage. The other issue was that of waste water disposal. The Board of County Commissioners Resolution 96-34 Paragraph 5, outlined the specific areas taken care of by central sewer and the balance of the area could be done by ISDS or central sewer. If ISDS, the applicant needs to submit analyses to the Board addressing environmental impacts. Wright Water reviewed a series of analyses and believe that at this point there will not be an adverse impact due to the ISDS to down gradient sources. In their review and in the April 13 letter provides detailed comments especially to the resource report. There are quite a number of assumptions that led to this analyses and for purposes of doing an impact analyses we kind of disagreed with a lot of the assumptions and thought they should be a little more determinative in the analyses. So from their perspective they thought the Resource report overstated the fact that there would be no significant impact. Certainly there is an impact but we felt comfortable that the impact is less than what the State standards are for drinking water down in the areas of concern. There is also a proposed design standards and management plan presented in the Resource report and they have some specific comments to be incorporated in the conditions if the Board approves the project. And that would be that considering all the special considerations and constraints of the project, they would recommend that all of the ISDS systems required to be designed by a registered professional engineer and that they do incorporate some of the design standards presented in there - the effluent filters having a bed configuration that it is split in thirds; however they were of the opinion that having the bed configurations split into thirds, that this requires the beds be oversized by one-third. Essentially they operate 2/3's of the system, let 1/3 rest. Our opinion is that in doing that the 2/3's that are working have to be sized for the complete system and therefore requiring a 1/3 oversizing of the beds. We think also that the PE that designed this needs to also consider minimizing impacts from all other constituents. Nitrate was looked at in the analyses because it is an indicator of pollution and contamination because it is one of the most mobile. Also, to define in their management plan what constituted qualified personnel to do annual inspects and make recommendations on repairs or improvements to the system. The State of Colorado right now does not have a certification for ISDS systems but operate it like they do for waste water treatment plants. So at this point we indicated it needs to be a professional with knowledge of ISDS systems. They also recommend that a brief annual summary of the report of the inspection, repairs and replacements that occur be compiled and submitted to the County so

they will be aware of and make sure the provisions are being met. You will hear from one of the adjacent property owners represented by Sherry Caloia who also made an analyses and Michael had a little of time to look at that report and it looks at some other assumptions and comes up with a different conclusion and you will be presented with some different data and different functions and different conclusions later on. Hopefully we can sort them out.

Attorney Larry Green - A map of the preliminary plan addressing 6 - 10 of Los Amigos was displayed for the Board to review. He also showed photographs of the entire parcel taken from the water tank giving distance and scale of the entire project.

Larry Green explained the entire PUD. The PUD Plan approved by the Board in 1996 showed a total of about 10 lots in this area originally intended to be utilized by central sewer service. We have eliminated these 10 lots all together and the County's position is that those lots will be merged into adjacent lots so that when you get a final plat, assuming this moves forward, instead of there being two lots, that will be just one lot. This does not require any amendment to the PUD because we are not changing the zoning status of those lots at all. There are two situations where the zoning status will be changed (pointed out). They are asking today that the Board allow them to amend the PUD by changing the status of these parcels from a residential use to open space so that these lots would become a part of the large open space. The 4 acre parcel for neighborhood commercial was pointed out. Larry explained that when this is subdivided it would necessitate coming back before the Board for full subdivision review, preliminary plan and final plat process. Larry said the applicant has been working for some time with Mark, other members of the County Planning staff and Michael Erion of Wright Water Engineers to try to get the County comfortable with what this proposal is. Mark is correct when he says that the only subject of any significant concern at this point is the ISDS on 168 lots. The applicant has committed to the drainage to stay on site at or less than historical levels. They have given Wright Water those calculations and are convinced we are correct this can be done. At any final plat you will get those final drawings for the retention basis that need to be created. The issue regarding the Fire Protection District, Greg went with Ron Leach, the Chief of the Carbondale to the Glenwood Springs meeting and Glenwood was amenable to allowing Los Amigos to pull out its land and on to the Carbondale District. This takes time and the applicant will move forward to accommodate the process. As far as emergency ingress and egress the primary concern of the Carbondale District was to allow people to escape in the event of wildfire so there are easements that have been shown allowing people to get into these wide open fields. Greg showed the other emergency accesses to allow residents to get from one draw to the next.

Greg Bocker - the emergency access they were requesting was right through a open field and he showed how they can loop around. Easements will be maintained and grass will be mowed. These met their needs.

Larry Green - Mark indicated in his staff report the PUD agreement provides a \$200 road impact fee per unit as the lots are platted. As part of the earlier approval of Los Amigos the developer was required to and now has completed the left-hand turn lane from 114 Road into the Los Amigos Drive. The applicant has no problems with the standard PUD requirements that Mark referenced as conditions of approval. The one issue where people are still asking questions and in that regard, Larry asked Ed Church to give the Board a very brief explanation of the type of ISDS that Los Amigos is talking about, a little bit of an overview of the management plan so the Board understands the significantly higher standards that this applicant is proposing for ISDS than has previously been suggested in Garfield County.

Ed Church - Geologist and Engineer from Denver. Spent 12 years at Colorado School of Mines getting water out of the ground and found a greater need on how to get water back into the ground. He has problems with individual disposal system regulations. In a water quality issue we are disposing of nothing, this water is going back into the ground and what he wants to do is assure we have good water quality. Based on that, he has a firm now with 16 people who spend 60% of their time doing septic systems. They do about 600 a year. They have concentrated on

septic systems and have developed criteria and standards that make good septic systems. Current ISDS standards are minimum standards. A septic tank size and a drain field size based on percolation rates. Percolation rates at Los Amigos fall well within the acceptable range. Los Amigos has agreed to raise the minimum standards. Each house will have an above standard ISDS system. They have also agreed to an effluent filter. He showed one. If maintenance isn't done, it will back up into the basement. They have agreed to put this system in Los Amigos. Another is a dosing system that spreads it out into the field. He said he disagrees with the recommendation that if we are splitting into thirds, to make it 1/3 larger because of angle checks, minimal sizing the dosing, we've done three things that are much better to make a working system than making it even larger.

Ed said with this, his experience is that he has not found ground water contamination on developed land greater than one acre. Except in one area - Jefferson County. In that area the setback limit went to approximately a two acre lot. Here we are looking at 3.1 acre lot size and 10 acre gross density. This should not create a nitrate problem at all of ground water.

Greg said they are asking people to inspect every year to determine if pumping is necessary.

Ed - said where there is no management system, they recommend pumping every year. Where there is management they can tell when pumping is necessary.

Larry introduced John Courier of Resource Engineering saying he has worked closely with Wright Water Engineering and can give you a very brief summary of his conclusions about the effect on ground water of these ISDS.

John Courier - Resource Engineering - presented in the packet a lot of formulas and mathematical computations. When first asked to look at this he was somewhat skeptical saying Greg we're going to determine that there is a potential problem here. When he got into this, the more determined that by virtue of density, by virtue of location, by virtue of putting in the state of the art ISDS systems, we really didn't have a problem. He referenced his letter of February 28 and map. The map depicts the Los Amigos property and Filings 6 - 10 development area and the cross hatch lines of that are already final platted. Dots depict wells that they had information out of the State Engineer's data base; wells that we had information about. Wells that we didn't have information about that were in the data base, we excluded. In coming up with their determination of what happens to ground water they reviewed all this well information and reviewed reports Wright Water Engineering did back in 1977 of Spring Valley Ranch and ultimately concluded that there was no other choice here that ground water had to move westward toward the Roaring Fork River. Spring Valley is basically a lake and filled up with soil but it is still a lake and much of Spring Valley and much on their property has standing water. It is fed from the East. The wells in the Spring Valley aquifer are quite good and are quite shallow. To the North end of Spring Valley, is numerous wells less than 100 feet deep that have standing water tables ranging from nearly the ground surface and to less than 20 feet below the ground. Underneath the Los Amigos to the North, on the Mesa, all of the sudden you come up with this total lack of water. Map shows 300 foot dry hole, 500 foot dry hole, and 400 foot dry hole. "Dry" means the formation may be so tight that it may not produce much water or water in a quantity - in an economic quality. He talked with Collins and Shelton Drilling who drilled these wells and asked them to define what dry means. They said "dry" with exception of two wells, the drillers report is that area is basically dry. This suggests that the fractured nature of the formation of the maroon formation at this depth, any water moving through and out of Spring Valley is dropping very quickly through the formation and moving steeply down and to the West. When you look at the wells in the Hue Mart, County Road 114 and Hwy.. 82 vicinity and start - he shows a couple here. These are shown in his documentation. These wells have a water level above river level and indicates part of the water is coming from up above and coming down through (under) Los Amigos and part may be coming from the South being recharged from the Cattle Creek area or from possibly irrigation on Sanders Ranch. His conclusion was that the water from Los Amigos, ISDS would move westward toward the river. There is not enough data to absolutely determine

exactly what will happen but he concluded that yes, Los Amigos is likely to have some minimal impact of nitrate levels on the Hue Mart vicinity. Michael thought well, let's just say what's your worst case scenario and came up with the conclusion that this did increase the nitrate levels but not in the Hue Mart area to a level of a drinking water concern.

Commissioner Martin asked how long were they estimating.

John Courier stated- over build out in the development which is 2010 year.

John Courier - said he did not look at it in a progressive increase, but if you plotted all 168 units up there right now he didn't know.

Commissioner Martin asked if it would be measurable.

John Courier -well what I said is I think you can make conservative assumptions, but it is going to increase - would it be measurable - I don't know. Would you be able to determine where it came from - I doubt it.

Commissioner Martin asked about the time frame of another 20 years or 50 years.

John Courier said he didn't think of it in that time frame, but 50 years, certainly not, it would much quicker than that.

Commissioner Martin asked if the constant flow would increase - it has to go somewhere and if it is going to be measurable over a period of 10 years, perhaps 5 times that.

John Courier - realized he was inquiring about a cumulative measurement and responded that no, it would not accumulate due to the constant flow of the water.

Chairman Smith inquired if there would still be a safe range of nitrate?

John Courier said in his opinion he thought there would be; but unfortunately this doesn't only depend upon Los Amigos. It depends upon what happens to Mid-Valley Mart's own water system, or the mobile home park's water system. Collin's Drilling well report did not show any nitrates.

Larry Green stated that at this point they have nothing further to present; we believe we have satisfied the conditions of the PUD ordinance. Our engineers concluded that there would be no unacceptable or affect on ground water as a result of ISDS and the County's consultant concurs and we ask that the preliminary plan be approved under conditions suggested by staff.

Commissioner Martin asked Larry if they have considered a central sewage treatment system up there at all?

Larry said yes.

Commissioner Martin including prior projects, or area to hook up to an existing sewage treatment facility?

Larry said that Dean Gordon would answer that question better than he because he is the one who considered it.

Commissioner Martin asked the pro and con of it.

Dean Gordon - rather than say what the pro and con's, we need to state what it would consist of. What we looked at essentially was constructing a central sewage system for the entire area. And the conclusion they reached was that anything is technically possible. Clearly it is possible putting a central sewer system up here. What we found that was basically, and I am going to throw these numbers out and if I have to produce them in a report some day, the numbers aren't going to be exactly like this. I'm going to be close to what they would be. What we found was essentially from a sewer system collection standpoint, the site is basically level from end to end, in other words, we've got 4 foot table top. Obviously that isn't exactly true, but from a sewage collection standpoint, that's probably what it looks like. In other words you don't have fall from end to end, so mainly you've got a very complicated system. We determined that to collect that system from end to end, would require, I believe, 7 lift stations and even when we have 7 lift stations out of the 168 lots, there was a roughly - was it more or less than 1/2.

Someone - it was just under 1/2.

Dean Gordon - so we still had about 70 or 80 that still had to pump into that system in order to get into the system that pumped it back out to the collection point which we - I think the only logical

collection point - is back to the east end. Everything else you know drops off to the valley floor so you can't take it down there. Cost certainly is a concern certainly from an infrastructure standpoint and the cost was several numbers of magnitude difference between cumulative cost of individual systems versus the cumulative cost of central systems. The same was true from ..... standpoint. If you, especially if you considered a replacement cost, etc. So the economic benefits just on site, simply isn't there. The other thing that happens is once you've collected, basically you had a presentation from Ed and John talking about distribution from 168 individuals over essentially a gross density 10 acres to 3 and so really you have an area that is 3 to 4 miles long getting some sort of distribution..... I've been looking with Spring Valley standards, looking at their treatment facility as in relationship to a system that is already available up in that area and we are in very difficult time trying to dispose of that ... which is treated to a much higher level than the septic, trying to get rid of that as a source point of location. So in other words, instead of distributing it over 4 miles, we're distributing, a pipe if you will, coming out of the ground trying to distribute that, so I'm not convinced overall that you have done anything from a macro standpoint in terms of effluent disposal. So you've got cost, you've got the complexity of the infrastructure and then I think ultimately you would sit here and have the same analyses about whether you're discharging that effluent and it doesn't affect someone somewhere else, so I'm not sure you're accomplishing anything by going to a central treatment and I think you're probably going in the wrong direction. So that is an overview of what we've looked at. We have not - I did that analyses certainly on a preliminary basis and I - it's not part of your submittal package. Commissioner Martin that's why I'm raising this, what about hooking up to Aspen Glen?

Dean Gordon - I think that is certainly a possibility, that is certainly an alternate to Spring Valley Sanitation District and the economics certainly - transportation costs for that number if you talk to the Aspen Glen people, I think you'll find cost of disposal down there is not any less than the cost of disposal at this site. I think you've also got some issues coming up, you know, the State is instituted a Roaring Fork ..... initiative, if you will, and I think one of the problems they have identified so far is concentration of effluent at point locations along the Roaring Fork River. So you - is it better to - in other words the State has traditionally said, we want to consolidate all the treatment into discreet locations for valid reason. I think one of the things that remains unanswered is whether in fact that works for the Roaring Fork basin if you will for the 1990's and into the next century. They may conclude that it is better not to have consolidated plants and therefore taking all this effluent to Aspen Glen is a negative as far as the Roaring Fork River is concerned. I don't think we can sit here and say, that's a good idea.

Commissioner Martin then you think 168 units and that build-out is negative, I mean it's a negative impact that - I should say a detrimental impact to the Roaring Fork River with just 168 units?

Dean Gordon - No, what I am saying John is - I'm saying - you know if - I'm saying that I don't think that you can conclude that treating the waste of 168, these 168 ...

Commissioner Martin at build-out in 2010

Dean Gordon - Aspen Glen is not any different impact of the environment that 168 septic system, that's what I'm saying. There's no question that every septic system tank that goes in this County and the State has an impact of the environment. You can't say otherwise, in other words the difference of them being there or not being there is an impact. I think the question is, is one of these alternatives have a less impact, a better, a less negative, (double negative) than any other thing, I don't know that anyone should sit or be in a position to sit and make that statement conclusively. I think that generally we all feel better about a waste water treatment plant than we do about septic systems. Okay? I think generally that's a pretty fair conclusion, but I don't know that this certainly a conclusion that ---- destroys one way or another and I think only time will tell and maybe that conclusion in the Roaring Fork Valley is not necessarily as warm and fuzzy as it used to be.

Commissioner Martin - I got my answer; I got my conclusion too.

Chairman Smith - Dean, before you leave, I have another questions, in one of the reports that Resource Engineering put out and there were a couple of, for instance Washington State had .... but one of the ones that I was interested in was where they said "acid conditions were not expected to occur in normal domestic septic systems, but do you think garbage disposals can cause extreme organic loading and they should be discouraged" and yet I have a hunch most houses have them in any more.

John Courier - I looked at that and said you know they give this range of nitrate effluent and you say, garbage disposals after that, and I said, well, what's the probability of excluding garbage disposals from Los Amigos, and it is a probability of zero. So in analyses, as I went through, I said okay we'll just have to assume we have those kinds of organic loads.

Ed Church - we include garbage disposals. I mean, you take showers not just on Saturday night anymore, these systems are, and that goes into the management. Because EPA, in fact last year, turned out a publication that now says, decentralized systems are going to be here. Septic systems previously had always been waiting for sewage to arrive. In fact packing plants in Florida in the 80's - they found out what they had to solve with package plants they are now issuing 60,000 for septic systems a year and have less problems. But they are managed.

Chairman Smith - asked about the trenches. You're talking about the .....trees planted to take up nitrogen. Curious about oak brush.

Ed Church - we don't have the problem with the old clay tile drain fields, roots used to go in and plug them up. The roots don't like plastic and they don't plug them up like the did the old clay.

Michael Erion - I had a question not to get too far off the subject of ISDS, Larry mentioned the left turn lane being installed there and it's an item we brought up in our review before, I don't know if it's specifically a part of this application, just being out there today, I not sure that I see that a left turn lane is out there so I just wondered if someone has a plan for that.

??? - I measured it, the asphalt is there, it hasn't been stripped. I personally went out there and it is there.

Michael -one other thing, John's question to Dean - about the ISDS versus the central sewer, and in some respects Dean is right about trying to determine, if they centralize it too much, they may paralyze certain segments of the stream, but another way to look at an answer to your question though is with the treatment plant being able to meet a high standard on nitrogen in the form of ammonia or even in nitrates, just from that perspective, if they would like, we'd be better, because they basically remove the nitrogen from the environment where the ISDS the root is formed in the environment. I will certainly admit the Engineer looking at things, a central would be preference but you have to look at the conditions of the site and the economics and see how things work. The treatment itself is much better at a treatment facility if it is run properly versus a septic system that is not or even is.

Chairman Smith - following up with what John has said, when treatment plants send a discharge, I think back to the argument we heard on the Roaring Fork on water quality, if you have on a point of discharge for a large area, does that not affect the water quality at that point? Or add more ammonia to that particular area?

Michael Erion - well certainly it could but what the State's doing now is coming in with a strict discharge limits on the central plants to try and control that and where the State's coming, they don't have control over the non-point source discharge which are all of the ISDS systems out there, but one place they do have control of those of the point source discharge and they a need a mandate on the valley for a system. We are involved with - the Basalt Sanitation District where the process of design on plant expansion and on changing the plant to meet stricter standards on the ammonia.

Chairman Smith - is that going to be a tendency all down the river and the first in and first count gets by it's not...

Michael Erion - well what they're - one of the mandates they are looking at right now is an allocation of waste load allocation along the streams throughout the valley. Right now they have

not done that but this is the Roaring Fork basin and is one that the State is starting the model in terms of looking, trying to set the discharge limits for each of the various plants so they don't have segments of the river that become impaired due to the point source discharge.

Chairman Smith - I want to get away from waste water systems for a minute because I had a bunch of other questions. When you talk about the retainage basins for the runoff, I assume those won't be where we have much runoff.

???? they're in the open space area.

Chairman Smith - the other question .....went on to ask about garbage, elk herd, deer, mountain lions.... and clarification on Filing 1 - 4 was two dogs. Changed - now Filing 5 on 1 dog.

Don DeFord - my understanding of the ISDS management plan is that the Homeowner's Association will enforce that, is that what you have in mind. In the event the Homeowner's Association were to be lax in that, what is your feelings about giving the County some type of enforcement mechanism against the Homeowner's Association as part of the  
Greg Bocker said as a homeowner, he would be opposed to that obviously but - we have a Homeowners Association that is strong right now and didn't think enforcement would be an issue. I don't know what mechanism you would recommend, but if you read the provisions they are given a lot of authority to make sure this works right.

Don - I realize the Homeowners Association has the authority, my concern would be if eventually they didn't utilize the authority they have.

Chairman Smith - it sounds pretty strong, but I agree with you, if they don't do it ...

Greg Bocker - my preference would be if they had parallel power opposed to getting into a homeowner

Don - that's just what the County wants to avoid because that would require the staff to do the enforcement.

Chairman Smith referenced Michael's letter he brought today where he says "qualified personnel" to perform inspections ..... should have a professional working knowledge of ISDS systems and I think that is real important to include.

Greg - to be quite honest, that whole management thing is premised on someone of knowledge because obviously he will be consulting the Homeowner's Association and they have to take action - affirmative actions and unless they are right or are making reasonable action, they are just begging for lawsuits from the Homeowner who disagrees with what this person has recommended

Chairman Smith - on your plan, under - where you say the Homeowners will collect as part of the Association dues, sufficient dues to pay for the biannual pumping of septic tanks

Greg - that's old

Larry - the supplemental information submitted to Michael Erion is one of the Exhibits.

Chairman Smith suggested they should take out the biannual and put "as needed"

Discussion - old and new plan and options open.

Don - this gets back to the question I started with, as part of the SIA can you agree that the County would have the right to compel the Homeowner's Association to enforce the operation of planning?

Greg - yes.

Don - okay

Sherry Caloia - distributed Mr. Kaufman's Resume and some other material.

Sherry Caloia - I represent a guy named Hayden Rader. He had a meeting in Denver he could not get out of so he's not here today, Hayden is under contract to buy the 48 unit lot that sits adjacent to the Auburn Ridge Apartments. It's a lot up in Spring Valley that has not yet been developed however there are concrete pads there. It has been approved for development for 48 units multifamily units with central water and center sewer. The reason that we're here today is not because we oppose the development, we don't oppose the development, we don't oppose the

density, we don't oppose the number, we don't oppose the type, we oppose the method of sewage disposal. That is our single issue here. I also think the water plan needs to be followed and Don DeFord needs to get the appropriate water court decrees or letter from the Division Engineer that there's water but I think that's a doable deal. It's the sewage disposal that we're concerned of. Let me give you a little history on this because I think it is important. This PUD was planned back in the late 70's early 80's with central sewer. A special district was created, the Spring Valley Sanitation District to provide sewer to the multi-families, single family, commercial and the College - CMC. It was a planned development - the sewer district came into the County, obtained approval of its service plan which included a financing plan to both handle the existing plan that was there that CMC handed over to the District but also to expand it because it definitely needed expansion. That financing plan included a service area and an area where sewer service would be provided. It included this property. It included a number of units and it included a figure that this County felt comfortable with that was enough money that could handle the expansion. Well expansion never occurred. There were agreements made with the College in bonds; there was no follow through by the District for whatever reason. Right now we do have an existing sewer plant there and I am told it is at capacity and it cannot take anymore service. It concerns my client greatly because he sitting on a 48 unit lot approved, we can pull building permits today, but Spring Valley is telling me but you can't get sewer service - period. There's no room for you at the plant. And that's makes my client's property pretty much useless. Again, for whatever reason, the capacity was there when this lot was approved, it's not there today. I don't want to go into the specifics, but we're here because we believe that original plan was the right plan for the region and that the only way we're going to get an expansion of that plant, is if everybody up there has to participate. And maybe that's not the issue before you today, but I think that's important background information. If we don't have the College, the expanded units at the College, Larp with their units, Lake Springs Ranch which you know wants to develop and other developers up there participating in the expansion, it is less likely that it is going to happen. I am very concerned about this project being 168 units that would not participate in the sewer plant expansion whatsoever because of the 168 units it has, but also because Lake Springs Ranch is up there and could very well could come in with a very similar ISDS plan before you rather than go to the sewer system. They are not here today, they are not voicing objection and that's the reason. I'd also like to tell you that recently on April 7, we had a meeting with all the players to discuss sewer plant expansion. Lake Springs Ranch was there, Larp was there, we were there, and the College was there. And we discussed how to expand this plant. There was a number of ideas thrown out including expanded the plant, building a tertiary plant on site instead of this plant, going to Aspen Glen, or building another plant that would be handled by Aspen Glen on the Roaring Fork River at Westbank and going down the road and hooking in there. There is a number of things on the table, we have a timetable, we have participants willing to get involved in this because we all need sewer service for our respective uses. The more participants we have, the more likely the sewer plant is going to go. Without Lake Springs Ranch, without Larp, it leaves my client 48 units, CMC a nontaxable entity possible Lake Springs Ranch, but probably not, they may go with ISDS, and maybe the Larp Commercial area, that's not enough. That's not enough to make a sewer plant go and I'm very concerned about it. What the County has told me is that the issue before the Board is injury. It's not all these other items I've told you about, but it's injury. With a proliferation of 168 sewer systems individual septic systems in this area, create injury. Based on that, we hired an expert John Kaufman who is here today with me, he came up from Denver. We had him review the material that was submitted, we had him do his own analyses and to give us his opinion about whether injury could occur. And he's here today to tell you the geology of the area to go through with you what kind of analyses he did and what his opinion is about 168 individual septic tanks in that area. And his opinion is quite different than John Courier's and Michael Erion. And he'll tell you it's based on certain assumptions certain

geologic information up there, and with that I would like to turn this over to John Kaufman to introduce himself and to give you his background and give you his analyses.

Exhibit T and T1 was submitted by Sherry Caloia.

John Kaufman gave his credentials as shown on the resume.

Let me start off by explaining a little bit about the fate of nitrate but before I do that, let me explain a little bit about my experience with ground water contamination with nitrogen species particular with nitrate. I've investigated nitrate contamination as a result of unexplored effluent coal mines; I've researched the siting of septic systems for industrial... particular mining operations roughly what's involved with septic leach fields, etc. I've also studied nitrate contamination from feeding lot operations in northeast Colorado and also chemical spills of highly concentrated fertilizer in ground water, particularly in .....Colorado. One of the reports I recently published on nitrate contamination ended up as Exhibit A under Senator Johnson's bill to regulate hog farms in Colorado, as a result of some of the work that was done. A little bit about nitrate. Nitrate which is  $\text{NO}_3^-$  is a very conservative ion. What I mean by that is that it does not attenuate or decompose readily when dissolved in ground water. Nitrate is a small ion and it is dissolved. What I mean by that is that as it is flowing with water and soil it will not attach to the soil particles. The only way that you get it out of ground water is to go through a strong reducing environment, or reducing condition such as bio-remediation. It is very costly and pretty much under study by the Universities to see if it can accomplish it, but you have to create a way of reducing the environment whereby the nitrate is then converted to nitrogen gas. Once it is in the ground water, it's pretty much there to stay until it discharges to surface ..... right. Now a septic tank, a septic tank basically is the organic material and the organic nitrogen and ammonia are put into (tape changed - inaudible) comes out as nitrogen. There is going to be some organic nitrogen that hasn't been converted to ammonia. There is some nitrogen reduction which does occur in the septic tank and that's held together bound within the organic solids that are left in the tank itself. But what generally comes out of a septic tank is on average, according to the EPA, about 45 milligrams per liter nitrogen. Mostly in the form of ammonia. Once it hits the septic leach field, under oxidizing environment, it quickly oxidizes to what is called nitrate which is the very stable form of nitrogen. Now when it's in that form, the nitrogen will move with the water and in the direction of ground water flow at the same rate the water flows, so wherever the water flows, the nitrates going to go with it. The other thing that is interesting about nitrate from a surface source of contamination is that particularly in a stratified sense the nitrate tends to sit on the top, it doesn't flow but because ground water does not, there's not a whole lot of vertical mixing in ground water, nitrogen tends to accumulate mostly in the top. Some of the research I've done with nitrate contamination from field operations and other chemical spills, I've investigated a couple of monitor wells and we collected samples for the entire well and got value of two milligrams per liter. And at the same time, when I sampled the top 10 feet I got 30 milligrams per liter. Same well, same time. So you don't get a good vertical mixing of the stuff. Okay. So these are the basic things. Now let me explain a couple things about - four things about septic tanks in general in terms of siting them and then I want to talk a little about the geology and the hydrogeology of the site which has not been addressed at all very well by anybody. So I decided to take a good close look at it. First of all septic tanks most likely contribute to ground water contamination where there is a high density of homes with septic tanks. Now the rule of thumb in industry that I've read is that when you have anywhere up to about 3 acres per single family residence with septic tank, it's considered a high density and should not be utilized for septic systems. The density in this particular situation is approximate 3.1 acres per unit which is right on the edge. Secondly you don't want to have a soil layer sitting on top of permeable bedrock which is thin. We had in this particular situation, I'll talk about the geology a little bit here. We have a thin, very thin veneer of windblown sediments and glacial deposits that are interspersed on top of fractured basalt bedrock, okay. And this material is not everywhere on the bedrock, you look at a geological map which I prepared here for you, much of the area is just

plain bedrock with little soil. What soil is there is basically weathered basalt. Secondly you don't want to do it on top of very permeable soil so if the soil, residual soil is there is basically bedrock, particularly basalt, that's not particularly conducive or ideal situations for septic tanks. Now you can bring in material, import material and make it work, you still have a problem of fractured bedrock which I'll talk about. And the last thing you want to do this with is where you have a water table that's close to the land surface, now, we have no evidence yet that there is any ground water close to the land surface but I am going to talk a little about the ground water out there and what I think is going on. May I use the board up here. (He drew a diagram) There was a statement earlier that the ground water flows from east to west and underneath the development. And yet we have out there a stream. Spring Creek which used to be a natural lake, I'll talk about that a little bit. Let me give you a basic 101 in hydrogeology. Draw a cross section, you've got a stream here which is falling year round which means its.... ground water. In order for that stream to flow, the ground water level around that stream must be higher on both sides. It can't be just high on one side and not the other. Okay. You can't have a situation where you have a water table coming in like this hitting the stream and then .... down this way. It doesn't happen, no matter what. Okay. So you have ground water high on both sides. That means the ground water on the west side of Spring Creek is higher than the Creek. Okay. And was there naturally because it used to be a natural lake. It was drained by homesteaders. So that's problem number one with the earlier analyses. Now we have established that this ground water is there. How high is the ground water? don't know. Nobody's drilled any wells there. Certainly not the developer. The developer hasn't drilled any wells or learned anything about the ground water conditions underneath his property. Second of all, the bore holes that were discussed earlier, I have some questions about. I have researched every legally drilled well or bore hole, test hole, out there .... at the State Engineer's Office. I'm not aware of a number of holes referenced in the other consultant's report. That raises a serious questions about the lawfulness of those bore holes to begin with. Let me explain a little bit about bore holes and drilling in that area in the type of rocks that we have. Most of the holes drilled out there were using air rotary. Bore holes drilled with an air rotary rig on fractured bedrock one must come in with a very high capacity, high volume air compressor. When you are drilling that kind of environment, you have to have a high volume air compressor or you'll lose circulation. And it's very bad for drilling without circulation. When that happens you can lose your tools down the hole. So what do you do to accommodate that situation. When cutting out a hole, especially say 200 - 400 hundred feet, you're coming out pretty fast and appear to be air dry. And if there is any ground water down there, they're going to need at 10% submerged ...bore holes before they even realize there is any water down there. So I would say that if these bore holes weren't .... drilled, it's quite likely they've missed the ground water because of the drilling conditions that they were in and the type of drilling operation that they were working with. I know that most of these are drilled with air because the State Engineer's Office indicated that for virtually every one that has been drilled there. So my point is that even these bore holes are referenced in the consultant's report, I would dismiss the results of anything totally inconclusive if not erroneous. Okay. Now, you couple all that information with the fact that you have to have a higher ground water next to the Spring, why? because I researched the geology in the area to try and get a little more background and then I'll tell you what I did with the existing wells that are out there. Geologically speaking, I'll do this kind of a high point summary. The entire property, much of the area is underlying with what I referred to as the Pennsylvanian age evaporitic deposits. These are comprised of thick deposits of gypsum and halite also known as table salt. Sitting on top of that are some other deposits referred to as the maroon formation which are sediments of sandstones and siltstones. And on top of that we have an unconformity, we've got these beds mostly dipping to the, regionally speaking, dipping to the west but locally there is probably an anticline at the river where they dip the other way for a short distance but generally to the east to west; sitting on top of that is this thick deposit of basalt. Nobody knows exactly how thick it is within the site, it

could be a few hundred feet thick. Okay. What has happened since the Pennsylvania when the evaporate deposits were laid and when the salt deposits were laid, is that these evaporative deposits went into solution. They were brought out into the river and then flowed down to the Colorado River. That resulted in a lot of cavernous types of deposits.... terrain... and if you look at the geological map you'll see there is a lot of potholes out there, a lot of sinks and collapsed structures. As a matter of fact, it's higher valley of Spring Valley is a drop.... where solution had occurred in the evaporitic deposits collapsing the entire valley and that's what actually created it. So that means that there has to be hydraulic connection between the surface all the way down to those evaporitic deposits at that location. Basically it's like an underground mine that collapsed at the surface, basically it's a giant surface subsidence. Okay. There are other collapsed structures in the general area as well. There is also, if you look at the geologic map showing figure one there's also a collapsed structure that runs nearly through the middle of section 36 which is over on the west side. I'll talk a little bit about that later. In other words, much of this area is fractured, there's fractures all over the place. Now basalt by itself, by it's very nature tends to have a columnar structure, with diagonal fractures that run vertically and they're very very permeable. Okay. That means once the water gets on top of it, it flows through it very rapidly. There is a thin veneer of soil in some places on top of this basalt rock and the rest of it is fractured and basically like a conduit so what it means is the water flows through it very rapidly and because of the nature that it is fractured rock, the specific yield of it or the amount of water that you can get from this rock tends to be very small. It's not like an alluvial aquifer. So ..... Roaring Fork River itself you have a large block of material that has interconnected fractures in between. So your water that is going to flow through very rapidly but the amount of water that is in it is not very much. So if you add some contaminants to it, you've really added a lot of contaminants to it relative to the amount of water that is in the ground. Okay. Now what I did with the water level, I went to the State Engineer's Office and researched wells drilled out here that are completed in the basalt material as well as some of the lacustrine deposits which are deposited basically in Spring Valley. The water supply level wells supplying water to the College as well as to some of the existing development out here are dual completed in lacustrine and basalt varieties. I've estimated from the well records and specific capacity values that the hydraulic conductivity of those lacustrine deposits are probably within 1 to 10 feet per day. And if the hydraulic ..... of the basalt deposits are probably on the order of over 100 feet per day yet the specific yields are likely going to be fairly low. Okay. Now what I did then is I plotting up the various water levels and married that information to A - geologic map, B - elevation of perennial streams that I was aware of and from that I constructed a water table map. Where it is dashed on Figure 1 and Figure 2 is where the water tables is where the water tables inferred is basically where the water table is likely to be. The solid lines are where I believe there is fairly good confidence in where it is. Now the important thing here is you'll see that there's a ground water mound right beneath the development site. Now I don't know the exact height of the mound and the elevation of the mound, I don't know the exact configuration of that mound because there are simply no water data out there in that specific site to quantify that. But we know there is a ground water mound there. That's what's important. There is a ground water mound. So when there is seepage from septic systems out here, water going to flow in the direction of - off of this mound perpendicular to these parallel lines that you see on these maps. Okay. So that the arrows in here represent that you see here the direction of the ground water flow. Okay. Now, when it comes to a septic system in this kind of an environment rather than looking at from the standpoint of - if I add in to what I assume my precipitation recharge and figure well lets see there's probably or little or no nitrate participation and I'm assuming 10% recharging is what has been assumed today, and I spread that out through the whole development, then that's going to be the impact on the ground water quality. That's not what happens. When the septic leach field work because they are fairly small in size, is they, and the effect when they are clustered in a small area like this, their constant discharge rate are going to act like injection

wells. Okay. The size of this development and the amount of acre feet per person per year based upon 3.5 people for single-family residence and that's percentage to the augmentation plan for the development, that's about 30 acre feet per year, year after year to perpetuity about 45 milligrams per liter nitrogen as nitrate. That's the constant rate. Now it's going to be injected down. It's going right through this basalt and is going to largely sit on the top but because this stuff is fractured, it's not going to have very much a wall beneath horizontal dispersion. You're going to see intervals fairly low nitrate water with extremely high nitrate water probably won't be able to predict where it's going to be and who it is going to injure. But we know it's going to be down there. That's just the way water flows in fractured rock. All the assumptions today have been on the basis that all this stuff is going to evenly mix, I here to tell you it's not. It's not going to mix at all or hardly at all. You'll see hardly any horizontal dispersion. And there'll be no vertical dispersion. I have a concern that some of this nitrate may end up flowing right back to the water supply well. Second of all, there a housing development down at the east by the base of the confluence of three drainages. I think they're going to see an impact of some of this nitrate. When is it going to happen, I don't know. The answer to your earlier question John, how long will it take to happen. A couple functions of important things: 1) how fast will the development move to built-out; and 2) what is actually the ground water level now and what is hydraulic ..... specific yield. Those kinds of things need to be answered first before your question can be answered. That is a very good question. To date, nothing has been done to determine those kinds of facts. Now, any questions that anybody want to have for me on those items.

Recharge - I've done a lot of research on recharge. Both from irrigation, some septic systems and also natural recharge participation. I've done it in conjunction with some water rights cases over on the eastern slope. And I developed a equation to come up with a recharge as a function of participation. I've estimated the precipitation out here on an average annual basis assuming a little over 17" a year of precipitation to be about between .1 to .2 inches per year. Which is a heck of a lot of wells than what was previously estimated. Now nitrate does occur in precipitation as a result of lightning. What happens is that when lightning occurs you create a chemical compound of N<sub>2</sub>O<sub>5</sub> and when it mixes with water you create nitric acid and when it hits the ground it quickly converts to nitrate. That's how we get a lot of natural fertilizer in the ground - from lightning. So that does occur.

There was an earlier comment by Mr. Church - and let me premise this by saying that I don't have a concern with septic tanks or leech fields per se, I think they are a very useful type of way of treating domestic waste water if properly located and properly designed; if the site conditions properly suitable for it. Site conditions aren't suitable for it, doesn't matter how good the design is or how good the management is, you're still going to get nitrate contamination. The septic tanks doesn't eliminate nitrate, they pass it right through other than the nitrogen that's held in the solid material. Mr. Church had indicated that he had never had a problem with any septic systems he's worked on and designed except for a case in Jefferson County involving metamorphic and granite rocks. Those are fractured rocks. That's exactly what we have here.

It's the same problem. Except here it might even be worst. Because you've got a 168 units on 3.1 acre sites on average. So my advice to you in this situation, is that you look at the long term here, this is 30 acre feet going into the ground according to EPA 45 milligrams a year on an average in perpetuity. Where is it going to flow, who is it going to impact and I'll tell you one thing, it's going to be extremely difficult to get it out of the ground. If not economically impossible. My advice is - don't do it. Put in a central septic system or a central treatment system and do it right. Sherry - John could you talk a little about the milligrams per liter standard and what that actually means.

John Kaufman - the standards for drinking water is 10 mil per liter nitrate as nitrogen. Many years ago, the public health service recommended that as a primary drinking standard which the EPA has since adopted as the primary drinking water standard for all of the supplies. The problem with nitrate is that if you ingest a lot of it, high concentration particularly for infants, and

some people think also for elderly people, it converts to nitrite in the system and replaces oxygen in the hemoglobin in the blood and causes a kind of affixation. In other words you don't get enough oxygen. And basically, causes a problem referred to as blue baby syndrome. So that's why there is a standard for drinking water. Then there is also some recent research that high nitrate may be carcinogenic.

Sherry - is it possible to get to a level to predict the level of milligrams per liter for 168 septic systems in this particular area?

John Kaufman - it is possible provided there is sufficient on-site drilling and ground water testing data to do it. And would probably require some ground water modeling if not some transport modeling to do, you .... and there's by no means anywhere close to enough information to even attempt to do something like that with any credibility. If the plan is to put in septic systems, I would highly recommend that there be some test wells put in, some ground water pump, smaller wells, the whole nine yards - recent testing and some quantitative analyses of exactly what is going to happen and probably some ground water modeling.

Sherry - there's been some predictions by the other experts here that it would be less than 10 milligrams per liter that's created by the number of septic systems here. What comment can you give them about those predictions and the accuracy of that?

John Kaufman - it's too premature because of the nature of the geology I think any attempts to quantify through ..... look at concentration is almost comical. It can't be done, not with any credibility. Cause you're going to see zones of high nitrate next to zones of low nitrate because of the fractured nature of these rocks.

Sherry - so could it be above 10 then in a zone?

John Kaufman - oh absolutely. You might find it as high as 25 maybe 30 in some places. Other places it might be next to zero or 1. The problem is it is hard to predict.

Sherry - there's been some comment about state of the art technology that could alleviate this concern with individual septic systems. Could you address that?

John Kaufman - I'm aware that there's some research being done, I think it's by CU I mean CSU in bio-remediation to remove nitrates from ground water. But it is only in theory and is being proposed by the university for testing purposes, but the only way to get it out of the ground really other than trying to create an extremely reducing environment would be to pump it out and run it through a reverse osmosis system which is very expensive. I've tried to give you some insight about what the rule of geology is out there and how important it is in playing a role in site selection and suitability in septic system for this particular development. Septic systems in and of themselves are fine but they've got to be located where soil conditions and geologic conditions and ground water conditions are suitable. This is not the kind of site for septic systems. Not with this density.

Sherry - what I'd like to say in conclusion is you've heard some testimony from Dean Gordon about the alternative, it being sewer service here. It's expensive I can't argue with that, it's expensive for my client as well, it's expensive for CMC but it is an alternative and it is one that - it was the first alternative considered and approved by the County back in the late 70's and I see no reason to deviate that especially in light of John Kaufman's testimony.

John Kaufman - I had mentioned earlier the collapse structure of the west very similar to a larger scale what is happening at Spring Valley over in section 36 where the three drainages from the development ..... would they go into this flat structure, will they daylight down below to this housing development down on the river, I don't know, but I would certainly be asking the question and before I would certainly approve this kind of a treatment system, I would require a minimum of the developer prove beyond a reasonable doubt that they aren't going to contaminate the ground water. That means putting in water wells testing, modeling if necessary and really showing it up quantitatively. Everything to date has been supposition and I also believe frankly incorrect.

Chairman Smith - asked a question about drainage.

John Kaufman - now again, the exact position of the ground water mound, the altitude of the mound isn't what's important, the fact that you know the mound exists. And this is a best guess based on available information from topography, ground water levels, water levels from wells, etc.

Chairman Smith - some of your information we do have in the packet. They did talk about basalt rocks - probably not as detailed as yours.

John Kaufman - let me add one other thing, a case which I originally worked on and mentioned earlier concerning feeding operation for a hog facility where I had tried to demonstrate to some legislators in the agricultural committee that even though water wells were measured at an average of 2 milligrams ... for nitrate, even though we have fairly high nitrate in the top part, that didn't matter. The Health Department made it a high priority that any high nitrate regardless of where it is in the aquifer is totally unacceptable and they wanted to regulate it. So there is now a bill in State Legislature to regulate any operation from hog facilities.

Commissioner McCown asked if reverse osmosis removes nitrate.

John Kaufman - yes sir. It is designed to do that. The City of Brighton has a reverse osmosis system to remove nitrate from ground water; it was put there from natural waste water as well as septic systems and ..... very expensive.

Sherry Caloia asked John Kaufman to address effluent...

John Kaufman said it doesn't treat effluent. I guess my point is we're not going to see the mixing that you'll like to see. All the accounting that's been done to date, the predictions are based on surface of mixing..... which I don't think is going to happen. This is based upon my own personal experience - testing for it - finding it.

Larry Green requested an adjournment for 10 minutes. Mr. Kaufman has presented a rather incredible report here and I'd like to talk to some private parties to determine what questions to ask.

The question was asked if questions could be addressed to John Kaufman.

Don said questions should be directed to the Chair.

Chairman Smith commented she did not want any adversarial questions. The Board agreed.

Larry Green - Mr. Kaufman, you've indicated in your report that I believe you have indicated that the treatises, the information regarding ISDS systems generally say that there have been documented cases of widespread ground water contamination in areas where lots sizes range from less than 1/4 acre to 3 acres.

John Kaufman - yes sir

Larry Green - are you aware of any documented cases where there's been widespread ground water contamination on septic systems on a subdivision of a gross density of approximately 10 acres?

John Kaufman - I am in general - again it's a function of geology. Okay, and how people use ground water. For example - in areas of the Denver area where some densities of 5 - 10 acres and people have septic systems on top of the upper dawson, you're also pumping ground water from the upper dawson. By pumping from the same thing that you are discharging into, they contain contaminate within the local zoned, kind of like a injection and recovery system for maybe production for example. The injection system and them pumping it out. This tends to isolate it so, because of that you tend to concentrate nutrients in one locality so you don't get a lot of dilution going on and kind of re-cycling the same water. It just more concentrated. So that kind of environment can happen.

Larry Green - and how many such circumstances are you aware of?

John Kaufman - in the Denver area, one that I'm am particular familiar with, but other than that, no.

Larry Green - okay. Are you saying Mr. Kaufman that there would be no mixing of the septic tank effluent with other ground water.

John Kaufman - initially - essentially no. Because it's, what's going to happen is the recharge will sit on top because of the way ground water flows, mostly lateral they're is going to be very little vertical dispersion going on and I've even observed that in the inaudible - that was a surprise to me.

Larry Green If I could refer you to...

John Kaufman - there'll be some vertical but not a whole lot.

Larry Green - and no horizontal mixing either?

John Kaufman - it'll be very limited - a giant chemical spill I worked on once in Oleo.

Larry Green - can I ask you to confine your statements to septic systems?

John Kaufman - sure, fine. But regardless of the concentration of the source, the horizontal dispersion is going to be a function of the hydrogeology of the material.

Larry Green - okay. It is figure 1 or figure 2 in your report that presents your conclusion about the existence of the ground water mound.

John Kaufman - it's figure 1.

Larry Green - figure 1?

John Kaufman - in figure 2 is the same as figure 1 except what figure 2 shows is the water table superimposed on top of the proposed development. I chose to do it this way because if by showing the development on figure 1, there was just too much information to show on one figure. It would have been too difficult to read.

Larry Green - but the blue lines are essentially the same in each.

John Kaufman - they are essentially the same, yes

Larry Green - and they purport to represent your conclusions about the ground water elevation.

John Kaufman yes

Larry Green - a 6960 for example in figure 1 is the elevation of the top of the ground water.

John Kaufman - that's a projection based on available information, but you notice that it is a dashed line. It's an elevation that is inferred. That would need to be verified through drilling.

Larry Green - you could be wrong.

John Kaufman - about the precise location and elevation of it - absolutely, but I do know there is a ground water mound in this location.

Larry Green - how do you know that?

John Kaufman - that's simple, as I explained it before, it's because of the fact that Spring Valley is a flowing stream and used to be natural lake. That coupled with the ground water levels to the South, there has to be connection here with a ground water mound. Has to be; can't be anything other than that.

Larry Green - if I understood your theories correctly, one of the problems that makes this site inappropriate for ISDS is that the basalt rock will allow the effluent from the septic systems to travel quickly through the fractures in the rock, is that correct.

John Kaufman - that's correct, both vertically as well as horizontally.

Larry Green - and how is it that the basalt allows that to happen but at the same time, allows a ground water mound to exist close to the surface?

John Kaufman - well first of all, I haven't projected that there is a ground water mound close to the surface - if you'll look at these contours relative to the contours of the mound surfaces, it is quite a bit further down.

Larry Green - how much further down?

John Kaufman - well it varies. In some places it's over 200 feet. But the fact that there is a ground water mound, a ground water grain, it is basically ground water hydraulics and essentially ground water always flows from high drainage to low drainage. If it were flat, it would mean there is some sort of underground lake and there would be movement of ground water whatsoever.

Larry Green - Mr. Courier refers in his report to some wells which he described as "dry holes."

John Kaufman - correct

Larry Green - and did you ignore those "dry holes?"

John Kaufman - well, first of all, I ignored any holes that were drilled strictly in maroon formation. Okay, that didn't penetrate through the salt and lava basalt and it had reported water levels in them, okay. In addition to that, some of the information that he had indicated that he had, I did not discover at the State Engineer's office and certainly wanted to use information that I considered to be composed of wells/holes that were lawfully drilled. So if he has any specific information from drillers about holes that were drilled, I should like to see that, but I would also like to see how those holes were drilled, the drilling methodology, penetration rates, compressor specifications for the rigs and verify them and probably re-drill them and see what the water levels are.

Larry Green - so the answer is yes, you chose to ignore those wells.

John Kaufman - no, I'm saying that I utilized all of the water level information that I could get from the State Engineer's office and I believe, I understand that the information he obtained, was private information, it was held by drillers and is not public information.

Larry Green - and if Mr. Courier's information about those wells is correct, that they were in fact drilled and they were in fact dry, would that change your conclusion any about the depth of ground water?

John Kaufman - no not at all. And I'll tell you why. Because I seriously question the validity of that information and I would want to go back and re-drill and re-test them.

Larry Green - thank you, I have no more questions.

Commissioner McCown asked under the premise of the water mound in this location, say 6960 elevation, it is safe to assume that it doesn't show it on the map that there would be another one, somewhere in the upper right hand corner of this map.

John Kaufman - yes,

Commissioner McCown - with your drawing up there, there has to be water level on both sides.

Larry - yes sir.

Commissioner McCown - somewhere up on this mountain there's going to be another...

John Kaufman - in fact there are springs in that location that come out. They are surface springs that are exposed that recharge that area.

Commissioner McCown - in other words it would take something to equalize this one? If it wasn't equalized pressure it would flow on downstream?

John Kaufman - it's not equalized pressure, it's just that a stream or a lake is the low point, okay, and in order to support that water level, either in a stream that's trying to flow, or a lake, you have to have higher gradients of flow on both sides to support that.

Commissioner McCown - so you have input from both sides.

John Kaufman - you have to have input from both sides, they can't work otherwise.

Commissioner McCown - I thought it had to an equal amount

John Kaufman - it doesn't have to an equal amount, it doesn't have to an equal hydrologic, it doesn't have to be equal head elevation, but there has to be higher heads relative to the lake or the river on both sides - has to be. Like I said, I don't know the amplitude, I don't know the exact orientation, this is a best configuration based on currently available information.

Sherry Caloia - Larry referred to a gross density of 1 unit for 10 acres. What do you consider the density of this development to be for your consideration of septic.

John Kaufman - 3.1 acres per dwelling. Open space is open space.

Sherry Caloia - so you don't use the unused or undeveloped portion.

John Kaufman - no, that is totally ignored - should be. Any open space is ignored.

Sherry Caloia - and why do you do that?

John Kaufman - well because it's an - open space is not a contributor to contamination by nitrate.

Chairman Smith - but if open space is irrigated or watered, would it increase the amount of pollution that you might give in the effluent?

John Kaufman - if it's irrigated or watered?

Chairman Smith - if you're surface watering, if your percolation rate is adequate for  
John Kaufman - you know it might, depending upon where it is and how much recharge there is from return flows from that irrigation and what the quality of the water is that's going in, what the vegetation type is, what fertilizer practices are going on. All of those factors taken into consideration, it might theoretically but I don't know at this point. If the Board will bear in mind, the bore information that I researched, I focused my attention on those bore holes that penetrated through the basalt that was lava basalt that was land water basalt.

Chairman Smith asked - you talked about the State Engineer's Office and yet I think these are all permitted wells in the area, so I am curious.

John Kaufman - well, it's not uncommon to have a driller drill a hole for some client for whatever reason as a test hole, and do it without a permit. That was a time when it was allowed.

Chairman Smith - and some of those are regular holes.

John Kaufman that may be

Chairman Smith - I think most of them have had - you know when the law changed, most of them had to go back in and report and acknowledge the well.

John Kaufman - I can't overemphasize the fact that when you are drilling the hole with an air rotary in basalt like this, that's it is very easy to miss saturated zones - the cuttings come up pure dry because the specific yield of basalt is going to be fairly low, you're not going to see much in the way of water unless you've got 10% submergence of water - ground water level in the hole, it's not even going to come up- it's like blowing through a straw in a glass of water and the glass of water only has a little bit of water at the bottom. And if you blow on it real hard, it's going to come up the top of glass like a mist. You won't even observe it, yet there's all kinds of water down there. So a driller can easily miss it.

Commissioner McCown - So probably one of the old type drills would have detected something had it been there.

John Kaufman - like a tail tool?

Commissioner McCown - uh huh

John Kaufman - probably. Not necessarily but probably. It also depends upon what the driller was drilling for. What was he looking for? Was he looking for water or was he looking for something else.

Chairman Smith - well I would think most of them in this area would be looking for water.

John Kaufman - there are some oil and gas wells.

Commissioner McCown - I hear you, there are some natural gas, but in this area it's water.

Chairman Smith - well there are one or two up in that area but I think they're.... now, I have another questions, it doesn't have anything to do with him. There are some mineral claims on this, some of these lots and I would assume that those will be noted that there are subsurface rights on some of these?

Oh sure.

Chairman Smith - commented that the real reason the Board is real pointed about that is because it seems like we run onto a lot of people who don't seem to realize that we have some severed rights in the County.

Glenn Chadwick and Bob Sphuler of Colorado Mountain College

Glenn Chadwick - he's with Beattie & Chadwick, the law firm that represents the College. CMC like Sherry Caloia's client is not here to oppose Los Amigos' Development. The College supports Los Amigos and the Development. Bob and I both spoke to the President Cynthia Heelan today and she asked us to emphasize their position and hopes they are successful in obtaining approval for a subdivision and going forward with their project. CMC is here because of concern about the ground water quality and this whole ISDS versus central sewer issue. Bob and I are not expert engineers and can't tell you which engineer you are hearing you should believe, but all the engineers you have heard from and these reports vary in experience. We, the College did participate in the funding of the study that Mr. Kaufman did at the request of Sherry Caloia and

you may have seen our name in the report. The College agreed to participate in the finding because like I said the College has an interest in the ground water quality up in Spring Valley and the College's water supply comes from wells that are located in that area. Most of the sewage that is generated today up in Spring Valley I believe is treated at that Spring Valley Sewage Treatment Plant in Spring Valley Sanitation District. The capacity is about 52,000 gallons a day. Now I think CMC's concern arises from the fact that 168 individual septic systems and lots will generate a ball park numbers the same amount of sewage between a ..... plant today and I think it is important that we all think about whether that should be treated by ISDS systems or whether it should be treated by a central sewer system. We participated in the meeting last week with Sherry Caloia at which Los Amigos Ranch, Spring Valley Sanitation District and Lake Springs Ranch and the College were all represented and very encouraged by a positive approach that the sanitation district was saving toward finding a joint solution to the sewage treatment problems up in that area. We all want to come up with the best solution for treatment of sewage up there and certainly one of the options that's been discussed is to build a tertiary plant where the existing Spring Valley Sanitation Plant is located. Part of the next several months will be spent with all the parties that were at that meeting studying and trying to come up with the best solution considering options about going down to the Aspen Glen etc. Again, I don't think Bob and I could tell you which engineer to believe. We're sitting here hearing that there are different opinions on the table and my thought to you simply would be to consider the information carefully before you make a decision and make the best reasonable decision you can based on all the evidence that's in front of you. I haven't seen all that evidence, you have, and trust that you will make a good decision.

Bob Sphuler - Glenn got the report on Friday afternoon that you received today and I saw it for the first time today so we really don't have any opinion from a technical standpoint. You've hired a firm to review that and I assume they have received.... I would trust your judgment as far they counsel you on. I guess the only other comment I would make that is somewhat contrary with Sherry - and that's what came out of our meeting on Tuesday, we are moving ahead as far as a Sanitation District trying to get all the potential customers to the table. I guess speaking for the College I'm not for forcing people to the table so if in fact there is no health problem with what the proposal is, and if in fact Los Amigos would prefer to go that route, then having a bigger membership if you will on this future sanitation district, I would support that. I'm not interested in forcing people in order to have more people in. People that come to the table should want to be equally a part of this.

Chairman Smith asked where the capacity was at the sanitation district. Are you at the capacity to build stage?

Dean Gordon - commented that basically the wet and dry capacity it is committed for, but not being used at the present time. The current flows are below 35,000 and 40,000 gals per day. It is a 52,000 permitted capacity. There is no capacity that same 52,000 gallons per day was permitted back in 1979 and absolutely since it hasn't been reached, there's been no reason to expand until just recently when there's been some of the users have expressed a desire to increase the capacity. The plant was permitted in 1979 but approved in 1966.

Chairman Smith - asked Dean - under your report is says the regulations require there be a minimum of 4 feet of soil matrix between the bottom of the leach field and bedrock restraint and when you look at the map of some of them and follow down on some of the soil things and when they ran into resistance and the holes weren't that deep, if you do a mound system, which you bring the soil in to do, does it actually run in several different directions from the mound system more than it would for one that you didn't do a mound system?

Dean - let me say this Marian, up until tonight he thought he knew how to design individual sewage disposal systems; but maybe I no longer know how to do it. But in my opinion with a mound system or a standard system, basically they operate by gravity. So until, my understanding is that whatever goes into that system is going to go down until it hits something

that is going to cause it to other than down. And in my way of thinking there is two things: one is there is an impermeable layer that would prevent it from going down and it's got to go someplace else - it'll go whatever direction that impermeable layer is tilting or it is going to hit the ground water and then it's not going to go down anymore, it's going to mix to some degree, I guess we've heard opinions of whether mixing occurs or not, and follow whatever direction the ground water's going. So I don't think, it doesn't matter if it's a mound system or any other system, it is going to go down - it's not going to go much sideways until it hits one of those two things.

Commissioner McCown - so you haven't technically gotten to the 80% of capacity on that system where the planning has to begin?

Dean - that's essentially correct Larry. I think the 80-95% criteria is - you look at it - when you look at an ongoing community that basically continues to grow, that a pretty good criteria. I think, the smaller the system, the more discreet it is the less sense it makes. Example: the total service area would never generate 52,000. You've got the 80% at 40,000 why would you ever plan anything if you're not going to get above 52.

Chairman Smith - Larry can attest to how long it takes to get something through, you ought to start at 50%.

Dean Gordon - the answer is no, it's never reached 80% - it's so technically if you use that criteria there's never been a reason to plan for it.

Chairman Smith - if you recommend your homeowners not be wasteful with the water it will make a difference.

Jean Hyser - Los Amigos Ranch owner - commented that she has a lot of thoughts; she feels like she just had a 3 credit class for the geologically challenged because she has learned a lot and has as many questions as real answers. The one thing to impress on Board, we, as homeowners of Los Amigos are environmentally aware. This subdivision has a heavy population on wildlife and trying not to impact them; trying to be good neighbors. As a community trying to follow the recommendations to protect the environment. Hope we can do this without impacting 168 homeowners in order to be a model for this valley. Her husband is an engineer and there are several engineers living in this area. In talking with them they did the same as she which was to extensively explore the impact of a septic system. Our concern was not only for us and what impact it would have on us but how it would impact the development and further how it would immediately impact the area around us. They came to this area after searching; their research made them comfortable. It is a goal oriented toward preservation. It's the direction of the rest of the development and she thinks it's the direction that the developer is trying to go. She publicly commended them and hopes resolution will come about which she hopes will be model development.

Terry Eubank - Real Estate Broker for Los Amigos Ranch and a Homeowner - 271 Cedar Cove - commented that their water agreements do have a provision of limiting water usage. X number of gallons and over that they pay for. He commented that he was impressed at Tom Neil's integrity level. Tom Neil, the owner of Los Amigos Ranch, is environmental conscious. Terry said that his children are very important and he will not compromise his children or his health. He knows Dean Gordon and as long as Dean can look me in the eyes and tell me that the quality of water is not endangered by these ISDS systems that's what I need to know about engineering.

Larry Green - John Courier and Ed Church would like to provide brief comments to Mr. Kaufman's report and would like to have them have the opportunity to speak briefly to that report..

John Courier - with all due respect to my esteemed and eloquent colleague Mr. Kaufman, there is certain things here within his report that I must disagree with. I have no other choice if other than to protect my own professional dignity. With respect to the wells that he did not use in his analyses, I retrieved all this well information from the State of Colorado Department of Natural Resources well data base which is available to anyone and is updated frequently. With one

exception, there is one well in here that he put on based on the knowledge of the driller who drilled it.

Chairman Smith asked if the one well could be in essence downstream of one that you got the information, one that wasn't on top but down below.

John Courier - it is on top. It is listed as 810 feet and dry. That information was reported by Wayne Shelton. This is back to ground water 101. Mr. Kaufman said that you have to have a ground water gradient flow towards Spring Creek from both sides. He explained in diagram the different analogy. There are differing opinions of hydrologic and differs fundamentally with John Kaufman. He added that he thinks it is substantiated by the well data. He agreed that it was possible for a driller to miss water when air drilling but you know when you are in moist materials. So he basically disagrees that there has to be mound under Los Amigos, therefore he fundamentally disagrees with the position that there has to be ground water back to Spring Valley.

Commissioner McCown asked if John Courier fundamentally disagrees with the nitrate theory; the lack of dispersion, and minimal horizontal and minimal vertical dispersion?

John Courier said yes because they are mutually exclusive. If we have no horizontal movement of nitrates, we have not potential for ground water contamination off the site. We are going to have some dispersal, some mixing of nitrates, it will depend upon the factors Mr. Kaufman stated - how steep is the ground water grading; how much water is moved through there; there is a lot of issues that would affect that, but I would say that off the site - I do not believe that nitrates will be isolated in specific flow channels in the basalt.

Commissioner McCown referenced to the graph or map on the board, the leakage coming out, they tend to all flow toward the Roaring Fork and Hue Mart well in theory. So that would be what John Courier wants Commissioner McCown to consider is the primary water source?

John Courier said there were three sources of ground water - spring water coming out of Spring Valley; there is rodcoort from leach fields; and participation from infiltration. Mr. Kaufman said there was probably 1/10 of an inch per year. And some parts of the year there may be none, but other parts of the year there is more. The fate of the analyses doesn't hinge on that number.

Commissioner McCown - from a layman's term without doing all the formulas, the effluent from the ISDS systems is basically going to go down, it is gravity driven. It will eventually go down to the water source; at that time the water source is going to carry it and whichever way the water source is, which in most cases is also down; water seldom naturally runs uphill. Eventually, all this water along with whatever has gone out of the leech field is going end up down hill somewhere. Is that a safe assumption.

John Courier - it is going to end up downhill hydrological.

Commissioner McCown - it's going to end up at a lower elevation that it started at sooner or later.

John Courier - yes.

Ed Church - what he heard, and the question being debated is to we have a water table here or here. That being 400 or 500 feet down below the surface. And John's theory is that it goes straight down, but it looks to me like we're going to end up with a pool of nitrate water but he said it's not moving laterally. When does it move laterally. Part of the question is, when it reaches the water table at a gradient is when that - and it mixes with clear water and more contaminated water. We get back to the question, this is a 3.1 acre lot. And this is on 10 acre gross density. This water here doesn't realize it's on a 3.1 acre lot, it thinks it's on a 10 acre gross density. I believe when you even these out, that gross density is the answer as to how large are these lots. The ground water is coming from part participation on the 10 acre density once we get houses on 168 lots. The difference with Indian Hills where there are problems, documented problems, these are 1/4 acre lots and in fact there is shallow bedrock at 3 - 5 feet and it's rather impermeable. It is uniformly in permeability. Here the thing that is not uniform is the basalt and when it hits a fracture in basalt it goes through, but how many times does it run off the edge, where does it hit another one, and disperse also? A study from the Washington State Public

Health Water Resources methodology to predict nitrogen loading of conventional gravity on-site systems - these are called on-site waste water treatment systems. We have to get out of this disposal mode when we are talking about waste water treatment centers. Within there are the results from three States - Virginia, Florida and Wisconsin that showed 37 to 100% reduction of nitrates by 45 - 48 inches of soil. This is something that wasn't possible to look at twenty years ago. It was possible but people weren't doing it. It is now being researched and conclusions are and it's not uniform, it's not 100% every place it's 37% other places, a combination of mineralogy, biology, pH strength to sewage then you get the reduction in nitrate. This is included within Mr. Long's paper here. One of the things that bothers me when I hear people conserving water, the amount of sewage is the same where we do see a conveyance so water saving don't necessarily - we end up with the same amount of sewage. That's why we need the filters, the dosing siphons to spread this throughout the entire drain field to make the system work like it's supposed to.

Chairman Smith commented that Ed referenced Wisconsin, Florida and Washington, all much wetter states and much higher precipitation, does that anything to do with this?

Ed Church - if anything it would be less dilution but we also in fine grain soils - they would have more dilution. Also, with fine grain soils you will get wicking as you get soils applied over a large area, they are drawn laterally.

John Kaufman asked if he could respond?

Don said that normal procedure would be the applicant carry the burden in the application would proceed to present their evidence. The opposition would present theirs and they get an opportunity to respond. If you allow them further presentations you will have to allow the applicants additional time.

Chairman Smith - might as well.

Don - before he speaks I should tell you also. I have spoken with Michael Erion, the Engineer who is the engineer the county has attained to provide advice and he can speak for himself but I think his position is right now that he hasn't had ample opportunity to review Mr. Kaufman's report to give a professional report on it.

Chairman Smith indicated that the Board has probably sorted all the information they can today and they have been provided enough new things they haven't had a chance to look at and therefore thinks they do need to continue it.

Don said that in addition he will need some time to provide the Board legal advice concerning the regulations and the PUD zoning that controls development.

Sherry Caloia asked if Mr. Kaufman could rebut the remarks by John Courier as they were not sure they would be bringing him back.

Due to the time, Chairman Smith asked if he could submit in writing his rebuttal and any other remarks he wanted the Board to have.

Larry Green requested a copy.

Chairman Smith indicated that copies would need to be provided to all concerned and asked if they could have those prior to the meeting.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to continue the Public Hearing until Monday, April 27, 1998 at 1:00 P.M.; carried.

A motion was made to adjourn by Commissioner Martin and seconded by Commissioner McCown; carried.

**Adjourn - 7:15 P.M.**

Attest:

Chairman of the Board

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APRIL 20, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 20, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Chuck Deschenes and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Marian Smith called the meeting to order at 8:05 A.M.

**COUNTY ADMINISTRATOR**

***Center Handrail - South Entry Stairway - Courthouse***

Chuck Deschenes and Mike McBreen were present.

Mike presented Phil Vaughan's proposal for a center handrail for the South entry stairway at the Garfield County Courthouse. Option A and Option B were presented.

Commissioner McCown made a motion and Commissioner Martin seconded to accept the proposal submitted by Phil Vaughan for Option B - \$1,835.00; carried.

***Demolition - Structures on UPL Property***

Mike presented two bids for the demolition of these structures.

Con-Sy Construction - \$10,700 with a proposed start date of 5/11 and completion of 5/17; however he did state to Mike that if he was awarded the bid he could start next week.

Larry Martin Construction - \$10,914.00 with a start date of 4/27 and completion 5/1.

Commissioner McCown moved to accept the bid from Con-Sy for \$10,700. Commissioner Martin seconded with comments that we have been trying to give this away for a year and no takers; carried.

***Titles Signed by Chair***

Mildred Alsdorf presented the titles to two 1987 International trucks traded to Mack Trucks.

Commissioner Martin made a motion to authorize the Chair to sign the two titles to vehicles as presented. McCown seconded. Carried.

***Annual Seizure and Forfeiture Report - District Attorney***

Chuck presented the report for review of the Board. He reported the income was \$11,097.29 for 1997.

***Letter of Support - Lake County - Land Exchange***

Chairman Smith stated at the Five County Meeting she had been asked for the Board to write a letter of support for Lake County on the land exchange base area for Ski Cooper.

Commissioner McCown moved to sign a letter of support for Lake County in support of the land exchange. Commissioner Martin seconded; carried.

***Approval of Auditors Report - 1997***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the Auditors Report for 1997; carried.

***Ratify Action - Special Meeting - Letter to Congressman Campbell***

Commissioner Martin made a motion to ratify the action taken at a Special Meeting held on March 5, 1998 to issue a letter from the County to Senator Campbell regarding the importance of

new topographical maps to the County. These included Glenwood Springs, Cattle Creek, Carbondale and Hunter Mesa. Commissioner McCown seconded the motion; carried.

***Personnel - County Administrator's Position - Advertising***

Barbara Ramirez asked the Board for input regarding placing the ad in the ISCA Bulletin for the Administrator's position. She said it would cost \$346.

The Board said to hold off for now and depending upon the resumes received, this may be a possibility for later.

***Rifle Planning & Zoning - Gravel Pit***

Chuck stated he attended the Rifle Planning and Zoning meeting where a gravel pit by Jim Snyder was proposed on property slightly southwest of the Airport. Chuck stated Jim was talking about 60 trucks per day. He wanted the Board to be aware of this. Chuck encouraged Jim to get in touch with King Lloyd. Chuck submitted a map to the Board to review that showed the route Jim planned to take. Jim wants to straighten out the road at one point. Chuck indicated that the gravel pit was not a certainty at this point but Jim Snyder is still studying this possibility. The cost and restrictions placed by the City of Rifle may make this too expensive and not economically to operate.

Discussion was held.

***Study for Oil and Gas Impact***

Commissioner McCown commented that approval was given on February 2 to get Dennis Stranger to provide an impact of oil and gas traffic with a limit of up to \$3000. He asked if Dennis was informed.

Chuck said he would follow up.

***Request - Lou Trapani - Transportation Regional Planning - I-70 Corridor***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to officially designate Commissioner Martin as the official Commissioners' representative to serve on the Transportation Regional Planning Board; carried.

Commissioner Martin reported that the bill passed the legislature and awaits the governor's signature called the Colorado Intermountain Fixed Guideway Authority.

Commissioner Martin stated it was a study that included Glenwood Springs and Eagle. It goes along with the IMS - I-70 Study Corridor. There is talk about putting a \$100 million dollar plan together to study the \$5 million dollar guide way system feasible by the year 2015.

Commissioner Martin added that George Rousso is interested in serving. The territories involved are Denver, Aurora, Clear Creek, Jefferson, Eagle, Summit and Garfield Counties.

There will be two people appointed by the Governor, one is to be on the Transportation Committee, two from the Senate and two from the House of Representatives.

***Airport - Contract with Corporate Air - Hanger***

Chuck stated the contract was pending. Paul Hoffman was looking in his regional office for the original.

Mildred said the bank had called her and they were going to contact Russ George to see if he had it in his file.

***Airport Authority***

Chuck stated the Airport Authority was considered expanding from seven to nine members as there would be more work on them with Chuck leaving. There may be a resignation from one or two of the members due to the work load.

***Fire Station - Airport***

Chairman Smith indicated that CTL Thompson should be notified and given the approval to proceed on soils test and the ISDS at the property for the Airport Fire Station Facility.

Funding sources include: BLM - \$20,000; Forest Service - \$5,000; and Garfield County. Chuck said he could fund some of the earlier costs associated with the design and was going to pursue the \$5,000 Forest Service grant. Chuck will draw on this for expenses already paid out. Chairman Smith indicated there may be a need to have a lot line amendment on Howard's lot. Chuck indicated that he thought Phil was contracting CTL Thompson to have the soils test done. The estimated costs were \$2000 - \$2500. Chuck said it was progressing. Commissioner McCown will attend the meetings and keep abreast of the activities since Chuck is leaving.

#### ***Terry Means - National Day of Prayer - May 7, 1998***

Chuck presented that Terry Means had called him and requested to use the sidewalks at the Courthouse for the National Day of Prayer on May 7, 1998. Terry indicated the group may have to meet on the lawn in order to let people pass.

The Board did not have any objections.

#### ***Communication's Authority***

Commissioner McCown stated he did not attend the last Communications Authority Board Meeting due to an oil and gas meeting he was attending. He will go this Thursday and share some information on the equipment, etc.

#### **PAYMENT OF BILLS**

Chuck submitted the bills for review and approval.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to pay the bills as submitted; carried.

#### ***Interim - Administrator(s)***

Chuck suggested a two-prong approach between Mark Bean and Dale Hancock since both are interested in applying for the vacated position. He suggested that Mark could scan the mail and make a determination as to where it should be routed. Dale would have more time and could review the administrative functions. This would keep things stable until an administrator or a deputy administrator is in place.

Discussion was held on grants/projects/questions while Chuck is here.

Commissioner Martin indicated they needed to keep track of projects and funding sources such as on County Road 109.

Chuck indicated that King's department should be able to stay on top of the County Road 109 project.

Chuck indicated someone needs to stay on top of the Mamm Creek Project.

#### **Extension**

#### ***Chamber of Commerce Member***

Carol McNeel gave the benefits on belonging to the Chamber.

The Board discussed the advantages and disadvantages of belonging to Glenwood and not Rifle. A decision was made not to have Extension join.

#### **JAIL DISCUSSION - CONSIDERATION AND ACTION - SUBMITTAL OF TEMPORARY JAIL - CITY OF GLENWOOD SPRINGS**

Sheriff Dalessandri, Dale Hancock, Chuck Deschenes, and Al Maggard were present.

#### ***Jail Count***

Total in Jail: 127. 29 main jail; 51 Work Release; 22 other jails; 9 Home Detention; no Day Reporting; 8 Workenders; 7 females; 1 State Hospital and 7 DOC in Clear Creek.

Tom said the count in the women's unit was down; it has been 11- 12 females most of the week.

#### ***Correspondence - City of Glenwood Springs - Temporary Jail - UPL Site***

Don DeFord said he needed the Chair authorized to sign the correspondence to submit to the City of Glenwood Springs that would turn in the proposal to place a temporary jail facility on the UPL property. Under the provisions of 31-23-209 the location and character of extent of these facilities should be submitted to the City as a Public Structure. This is the process we have followed in the past on the current Work Release Center and two variations on the proposed Women's Facility. Under the Statute, the County submits those items and a fairly brief description to the Planning Commission of the City for their consideration. As in the past, the City considers this in a public meeting, renders their comments and then the County Commissioners will be informed.

*Motion*

A motion was made by Commissioner McCown to proceed on the temporary structure as Don has so indicated. Commissioner Martin said that he was encouraged with the events of the last week or so and would second the motion.

Dale inquired if this motion should include the direction of staff involvement with the City's Planning and Zoning.

*Amended Motion*

Don stated that next week is the time set to go before the Planning and Zoning Commission. In the past, Dale, the Sheriff and Don have appeared to explain the need for this temporary facility. Commissioner McCown amended his motion to include the participation by staff. Commissioner Martin seconded.

Don further stated that the Statute requires that the City give us their decision within 60 days.

*Construction time*

The time frame with Spacemaster was discussed.

Dale stated they guaranteed 30 - 45 days from the commitment to lease or buy.

This would mean going to the City Planning Commission in May.

*Lease - Spacemaster*

Don suggested to get a lease for signature prepared and put this on the Agenda for April 27 or April 28. Don will get the lease for signature.

The issue was scheduled for April 28 as Contemplation of Lease with Spacemaster.

*Vote on Motion*

Motion carried.

*Garfield Youth Services - Proclamation*

Debbie Wilde submitted the following Proclamation for the Board's signature:

"The below named agenda is recognized for their efforts on both the state and local levels which support building assets in families. We agree that strengths based efforts are not only cost effective but also result in strong statements of sufficient families and communities. We also recognize exceptional capacity in our youth. That in mind we believe Asset Based Youth Development efforts can be an integral component in creating even healthier communities and support Garfield Youth Services, a long standing supportive resource organization, as a springboard agency to continue this effort. Although this Board does not commit funds to Garfield Youth Services, it indicates our understanding, support and need to collaborate in order to successfully achieve strong development in our youth."

A motion was made to authorize the Chair to sign the Proclamation for Garfield Youth Services by Commissioner McCown and seconded by Commissioner Martin, carried.

Commissioner Martin stated the County does contribute to Garfield Youth Services in a lot of ways.

Chairman Smith agreed.

**SOCIAL SERVICES**

Colette Barksdale presented two Contracts for review and signature of the Chair as the Board of County Commissioners.

***County Attorney - \$80,000 Maximum***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve a contract for the Garfield County Attorney, Board of County Commissioner and Department of Social Services for legal representation for the calendar year of 1998 beginning in January 1998 for up to \$80,000 maximum; carried.

***Single Entry - Contract Raised***

The Contract for Single Entry was submitted. Colette stated this raised the existing contract from \$220,000.00 to \$229,102.00.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign an increase in the contract for Single Entry for \$8,954 bringing the total to \$229,102.00.

Colette clarified that this was for the Northwest Options for Long Term Care - State of Colorado. Motion carried.

***Bob Szrot -County Engineer***

Bob Szrot, the new County Engineer, was present in the Commissioner's meeting.

***Approval of Minutes***

Commissioner Martin moved to approve the minutes of February 3, 1998; February 9, 1998; February 17, 1998 and March 2, 1998 as submitted; carried.

***Battlement Mesa - Assisted Living***

Chuck submitted the letter mailed from the Battlement Mesa Assisted Living asking that the fees be waived for the actual costs of building fees. Chuck said this was discussed at the time they submitted their application. At that point and time Mark indicated this was actual staff costs that were incurred to physically review the plans, go out to the site and the inspection process. He really didn't feel these fees should be waived.

The Board agreed with Mark and asked Chuck to draft a letter to this effect.

***Executive Session - Personnel Matter***

Commissioner McCown moved to go into a brief Executive Session and Commissioner Martin seconded; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

**COUNTY BUSINESS**

*Aspen Trust, facilitator from Boulder considering the TeKeKi issue* called Chairman Smith and wanted a meeting at 2:00 P.M. on Tuesday April 21, 1998. Her question was since Commissioner Martin had been appointed to represent the Board, should he be the only one attending the meeting?

Don said if Commissioner Martin was the appointed representative, then yes he should be the only one attending.

**DEPARTMENT HEADS**

***Extension***

Carol McNeel presented.

***Economic Program***

Carol said they received an E-Mail this morning from a program they have been working on with CSU called Money 2000. It is a National Economics program and the goal is for consumers to either reduce debt by \$2000 or increase savings by \$2000 in year 2000. In today's issue of the U.

S. News and World Report there is going to be a story about consumer debt and in the side box they are going to highlight this Money 2000. It comments that readers are encouraged to contact their local Extension Office.

Carol indicated they would be giving four sessions concerning this new program.

Chairman Smith suggested at least one be bilingual.

*Fairboard Meeting*

Will meet on Thursday night.

*Horse Seminar*

Carol will be giving a horse seminar the first part of June dealing with nutrition. She said they ordered a new computer program where you put in the specific data for your horse and if you know what your hay is, then you can do a ration for individual horses.

Another option was discussed to test the hay.

**Mark Bean - Building and Planning**

***Bowden - Amendments to Plat***

Mark said that Bill and Jo Ann Bowden are moving 2 acres and it is part of the Chenoweth exemption. They have requested not to have this on the agenda. They are moving lot lines and all parties agree.

***Crane - Murray - Special Use Permit - Accessory Dwelling - Blue Heron Lane***

A motion was made to refer this to the Planning Commission by Commissioner Martin and seconded by Commissioner McCown; carried.

***Myers - Special Use Permit for Guest House - 8 miles South of Silt***

A motion was made to set a Public Hearing for May 11, 1998 at noon for Susan Daley Myers by Commissioner Martin and seconded by Commissioner McCown; carried.

***Request for Extension Philip McCune***

Mark read into the record: "In reference to Subdivision Exemption, at this time we have reached the tentative approval with the family and stepmother however, it must be okayed by the Courts. We do have an exemption and are in the process of getting court approval. He asked for one more 120 day extension to get the approval and then to complete the subdivision exemption."

Mark said the extension was necessary as it is tied up in the estate process.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to grant an extension as requested until July 13, 1998; carried.

***Rifle Sportsman - Range off Hwy. 13 - Shooting Range***

Mark said he had received a letter from the Rifle Sportsman for a Shooting Range as a nonprofit operation.

The Board suggested this be request be taken to the Planning Commission to make permission for this type of activity

***Resolution - SUP - Aaberg***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the approval of a Special Use Permit application for Michael and Kim Aaberg; carried.

***Whittington - Extension***

Commissioner Martin received a call from Del Whittington asking if he could receive a 60 day extension.

The Board said he needs to get this to the Planning Department in writing.

***West Rifle - Johnson - Application***

Chairman Smith inquired about this application.

Mark said they sent the application back; the well proposed was in use and already permitted to only allow for the existing principal user.

## **HUMAN SERVICES**

Deb Stewart and Bruce Christiansen of Mountain Valley Developmental Services presented an overview of his program.

Deb Stewart of 3301 Peach Valley Road, Silt - Chairman of Human Services said the Commission was looking for two open positions, one as a citizen representative. This has not been done yet, but in the meantime Deb talked to Carole Brown who was the citizens representative for the 1997 year and she would like to continue being the representative.

The Board agreed.

Bruce Christiansen - Executive Director presented a slide show and a review of services provided by Mountain Valley Developmental Services.

Development disabilities were described as a disability that affects a person's ability to function in major life activities that incurs before the age of 22. In Colorado the definition is more restrictive and includes, for adults, mental retardation must be an IQ of 70 or below 70 in order to be able to qualify for services. A child can be served if there is a condition that puts them at risk of becoming developmentally disabled. With a broader Federal definition it is estimated at least 5% of the population would be people who might have a developmental disability. In Colorado, generally about 1% of the population is eligible under the State definition for receiving services. Mountain Valley serves approximately 250 individuals or families annually in the four county area but with the 1% there could be as many as 360 residents in Garfield County eligible for services. The State of Colorado has a unique system in that by statute the State's been divided into 20 service areas that are phased called Community Centered Boards. In Colorado those 20 entities, of which Mountain Valley is one, in addition to being service providers in most of the rural areas, there are some statutory responsibilities such as planning services for people with development disabilities; determining eligibility for State funded services; providing case coordination or case management; and they administer State funds. The four counties that Mountain Valley serves are Eagle, Garfield, Lake and Pitkin.

Services are provided in Rifle, Glenwood Springs, Carbondale, Aspen, Vail and Leadville. They have been in existence for 23 years and Bruce has been there for 20 of those years. This makes Mountain Valley the oldest human service agency in Garfield County.

They have a 3.8 million dollar budget for 1998 and 80% or 3 million is expended in Garfield County. There are 100 employees and 85 of these are from Garfield County. There was only 6 employees when Bruce started.

Services to children are provided from birth to age 3. Until just a few years ago, Mountain Valley provided preschool services. Now the public schools provide these services.

Mountain Valley provides therapies - speech and physical and for infants this service is home based.

Community support for the greenhouse has been tremendous. A grant was obtained for this project.

Adults are provided employment services and most of these jobs are working in the community in hospitals, restaurants, filling stations, recreational activities and some of the more severe disabled work in the greenhouse facility.

There are two recreational activities - one is with Outward Bound in Marble getting people to do rock climbing which raised self-confidence. The other was with Sopris Therapy in Carbondale with their horse program. Some of these guys working with the horses have never done anything like this in their lives. Animals are very beneficial.

There are 80 people in the residential services program and only 4 are still at the Mountain Valley facility. They have 3 traditional group homes with 6 beds. These are located in Carbondale and Glenwood Springs.

The recent *Weaving Store* has gained national recognition.

In addition to direct services they do family support services.

There is an 11 member Board and all but two are receiving services.

Transportation is provided by the Traveler from the senior citizens program. RFTA is great also.

#### *Biggest Challenges*

The biggest challenges are staff shortages; medical and dental care with the pullout of RMHMO; cost of living; and the growth impacts due the State lags behind. This area has grown and there is a waiting list for adult services. For children and youth they do not need slots. For residential clients there is a real cost involved.

Mountain Valley Developmental is one of the best anywhere in the Country. This is due to a partnership between the communities and the organization.

Chairman Smith said that Mountain Valley clients register to vote, change their address when they move and always make an effort to vote.

Bruce added that his clients have the most challenges in life and some more than ever imagined. Commissioner Martin added they make the best neighbors and they look at the responsibility of being a citizen.

The Commissioners were very supportive and complimentary.

Deb Stewart announced that the new Adult Day Care - opens June 1st.

#### **SOCIAL SERVICES**

A motion was made to go into the Board of Social Services by Commissioner McCown and seconded by Commissioner Martin; carried.

A motion was made to come out of the Board of Social Services by Commissioner McCown and seconded by Commissioner Martin; carried.

#### **MEETING WITH AIRPORT BOARD - FUTURE PLANNING - ADMINISTRATIVE SUPPORT**

Airport Authority Members Colonel Jim Foster and Barry Hamilton; Corporate Aircraft Dennis Beck and Dennis Olshove; Chuck Deschenes and Don DeFord were present.

Jim Foster stated the purpose of the meeting today was focused on "life after Chuck." As a member and Chairman of the Board a lot of what they get involved in is more or less after all the coordination has been completed, and the bottom line is that Chuck has been doing all the coordination that has been required for all of the project that are going on. The Board is going to be looking for someone as a point of coordination for a continuance of what is going on right now after Chuck leaves. Jim said he would like to prevail upon the Commissioners between now and that time when someone is named, to give the Authority Board some guidance as to what is going on and perhaps a recipe on what particular items the Commissioners would like them to coordinate with them in order to keep the ball rolling to make sure something doesn't fall through the cracks. One item going is the Division of Aeronautics Grant.

Jim added that this is not necessarily throwing up their hands, it is just to advise the Commissioners that you will be seeing their faces at the Courthouse more and chasing the Commissioners down on questions that heretofore they didn't even know they would be asking. Commissioner McCown responded that they, as well as the Commissioners, have been fortunate to have Chuck's participation on this Airport Authority but basically it would put more responsibility on the Authority Board to become active players and this hands-on could enable them to function better. He also added that he couldn't guarantee that Chuck's replacement would be able to devote as much time to it. They would direct the new Administrator to do whatever is necessary from an Administrator standpoint but they were not sure this would be a pet project of the new replacement.

Jim Foster asked if the new Administrator would be attending their Board meetings like Chuck did.

Commissioner McCown said he could not guarantee it.

Chairman Smith added that perhaps with the Administrator and the Deputy, it was a possibility that one or the other could participate with the Authority Board.

Jim Foster felt it would be advisable having someone to continue until such a time that the Commissioners feel more comfortable with not having someone actually attend these meetings. Chuck said when he took this job, he succeeded Roger Ludwig and Roger's job description said that the County Administrator would attend Airport Board meetings and would provide administrative support to the Airport. This wasn't something that Chuck started, it was in place before he came and had something to do with adverse relationships with the FAA in regards to mandates. Roger did a lot to smooth this out and Chuck finished the particular process.

Jim Foster added that coordination between the Airport Authority, BLM, etc. was important for the new Fire Station as this is a sizable hunk of moneys from the County as well as others. To protect the rights of the County he felt it would take someone who was aware of the investment by the County. Jim mentioned the new Civil Engineer as a possible source of involvement.

Barry Hamilton mentioned a few projects that he felt were of high priority. On-going is the number one priority that never goes away which is the issue of land planning and compatible land use in the long term to make the Airport really prosper or kill it if they blow it. In order to ensure appropriate land planning, he felt a need to work closely with the County Building and Planning and Rifle Building and Planning as well.

Commissioner Martin said they ought to include Silt as well. To travel back and forth and let Silt P & Z know who the Airport Authority members are would be an asset as well as listen to some of their concerns and voice those of the Airport in an open session.

Barry said the sewer system is also up there with land planning/land use and BLM - Fire station. He added that he thinks this is more doable than led to believe. The details and exact cost on it he couldn't say, but it looks promising enough to do more investigative work and come up with a plan. If they wait to run a line to the Airport, it will be a long time coming. It is about 1.1 miles from the last manhole to the City's extension to the Airport road where it meets the Airport. Chairman Smith said they keep hearing \$800,000 and with Mr. Howard checking, he has relayed that it doesn't run that much.

Barry commented the best way to approach this is to get the stakeholders together and find out what can be done.

Barry said that the comment Commissioner McCown made in reference to optimizing the income and expenses of the Airport, one thing that he thinks is worthy of study is "what are our goals as far as obtaining airline service." At the moment this is grim. One point of discussion would be to talk to RAID about, are we losing interest in the community from anyone because we don't have airline service nearby? He added it probably is not a big factor.

Commissioner McCown said he envisioned more into the general aviation end of it than he would passenger transportation at this time.

Barry said next would be "what is our cost of maintaining part 107 security; costs in maintaining 139 certification and is that worth it? We can comply voluntarily and still save money.

Jim Foster said they had a meeting with all the representatives of the various airlines - the big meeting prior to ski season last year. This included the folks at Aspen and transportation folks and tried to coordinate a more service-oriented system whereby people devoted to Rifle Airport didn't leave angry with a bad taste in their mouth about Garfield County Airport and even with that it did improve some. The airlines or the recipients - the ski companies, etc. should be accepting more of the cost of what is done on diversions. By next year a decision needs to be made as to whether we want to let them divert to the Airport or not. It's not a requirement that

they do. Some of this can go away if that's the decision the Authority wants to make and bring to the Commissioners for input.

Commissioner Martin suggested the Authority needed to look at the positive position of keeping the Airport as a diversion because in your major investment study on I-70, which is the transportation corridor, is linking that to all these airports from DIA to Garfield County and Rifle Airport is specifically identified as a back up and as a commercial operation mostly for the freight industry.

Jim said before they come back to the Commissioners, they want to obtain a cost associated with the way the Airport has been operating and whether in fact there should be a raise in fees put out to the airlines and all the participants early next Fall.

Chairman Smith suggested this should be done in late summer.

Jim said last year at the meeting they had representatives from a lot of ski areas and all the airlines.

Dennis Beck and Dennis Olshove from Corporate Aircraft addressed diversion and added the Airport is not making money on diversion.

Jim added that some of the airlines that do come in also buy fuel and others just want enough to get back to where they are going or fill the requirements to make sure they have enough for their flight plan.

Barry indicated this would be 30 gallons.

Jim said Paul is going to give them an audit.

Commissioner McCown inquired as to what the expense and what is incurring cost as an airport. Jim said the FBO of unloading the aircraft, the baggage, refueling and having someone baby-sit these people for 2 - 3 hours in hard seats is all passed along.

Chuck said our major cost have to do with having a CFR Crew that we have to pay for standing by; the cost of training the CFR crew; the 107 security and training involved in this and this has costs that relate to automatic gates, and seems like it never ends.

Jack Peoly, General Manager for DBS Helicopters said he's been in the industry almost 30 years and absolutely felt the Airport should never tell anyone "No," - charge them what it costs. They may go away for two weeks, but they'll be back. This is pretty much an industry reality and all airlines know this. They know they are going to have to pay for whatever it costs. They don't have an alternative - they would have to go back to Denver or on to Grand Junction. They won't do this very often. These people want to go to Aspen, not Rifle. It sets an attitude right away and the need for toilets and telephones is necessary. Advising them of the costs necessary for the Airlines to pick up is a diplomatic method of dealing with the problem on all levels. If they don't want to pay, let them divert to Denver. They will soon realize it is a whole lot more expensive than paying whatever fees Garfield County wants to charge for them landing at the Airport and have this as an alternate.

Jim Foster added the Airport is having to make some changes.

Commissioner McCown added he thinks they are going to have to make more changes or the Garfield County Airport will be exactly what it is 15 years from now. Be that good or bad if we continue to perceive it as we are now with funding from the County and hoping we get grants to do what we can on an 80/20 - 90/10 match we're not going to advance that fast and may not be able to meet some of the needs we have.

Jim Foster asked who would be the main soothsayer to come to and talk about problems if there are any until they get someone out there to run it?

Commissioner McCown said he would probably be easier to catch. The key thing is that if it involves the Commissioners, not just one can make the decision and would require that a decision is made in a public meeting.

Commissioner McCown was suggested to be the contract person for the Airport, in general; but Chairman Smith would be the contact person on the BLM-Fire Station.

Jim asked that the \$160,000 transfer to be made prior to his departure. And also he will get back to Chuck on any report that we are short.

Chuck stated there is an Division of Aeronautics report overdue at this point and time.

Chairman Smith suggested if Chuck could make out a timeline report of the month and date that it needs to be done would be extremely helpful.

Chuck stated there were two grants outstanding - the Federal grant which is lacking a final inspection and should happen within the next 30 to 45 days and he has made arrangements with the FAA on this bill to have Jim Foster be signature on the grant and the other is the Divisions of Aeronautics grant which is contingent on the Federal grant closing out. These are due quarterly. Chairman Smith inquired as to where the mail goes.

Chuck said most of it comes to the Courthouse and we need to have the secretary sort it and allow the Board to sort through it and determine what the Authority needs to review.

Commissioner McCown said he was hopeful by next Fall of having a new set of fees set up to recoup any costs and have a minimal profit on top of that.

Chuck said we are the gas station in the middle of a desert and the airlines don't use us unless they absolutely have to and we incur a lot of costs in doing that. The fees should be looked at and we should be profitable above the fees for diversions. The airlines has the benefit of inflatable funds that come from the Feds. They have the regular service and the fees they are allowed to pay for room in a terminal; they have 107 security; and the 139 to spread upon multiple operations - we don't have that. These fees have been discussion for some time.

Commissioner McCown asked if we could draw on plane fees in Rifle?

Chuck said no, we are a diversionary Airport and cannot get draw on - we cannot get direct money from the Feds. We are a provisional Airport basically. But we can make up for that in our placements and de-planements if it's going to Aspen, count in Aspen, even though these folks got off the Airplane here.

Jim Foster said we could register a letter or a memo for the record only. We are not the only one that falls into that category. When you're talking about costs associated with operations, those people understand that too.

Chuck - the other thing to know here is that even though I did a lot at the Airport, I did not do everything that I feel is necessary out there. There are cost savings that could be had, revenue generation, lost opportunity cost to folks that may eventually build hangars or relocate out at the airport that doesn't happen because there's no representative out there that represents the County's interest. Paul is under contract to do Airport Management Services and does what he can, but many times he's off on a charter flight; and when someone comes out to inquire, there is no one to talk to. It would pay to have someone from the County out there at least for some scheduled time. That time is real close if not already here.

Commissioner McCown said Chuck could hire someone tomorrow under that basis if they will generate x amount of dollars to pay for their salary. I'll hire them tomorrow.

#### *Enlarge the Airport Board*

Jim Foster said in the selection of additional Board members, we may come up with one or two members who are going to be leaving and if this is the case, we will be recommending a replacement for them.

#### *Goals and Priorities*

Barry said that our number one priority is the revision of the amendment of Commercial Standards. These were written in 1992 and haven't been revised since. In order to do business at the Airport, these are the requirements of what needs to be done.

Chuck stated they were called Airport Rules and Regulations.

Barry said it is a continuing effort of trying to get our act together.

Jim said along with this, we ought to pull all the documents that we now have at the Courthouse as well as what is under revision whereby if the person who bought FBO out at Eagle comes to the Board, with the system the way we have it right now, he doesn't want things set in concrete.

The fact that we want to make changes, and Barry has correctly stated that things have changed since 1992, and the way it is right now is not the best interest for the County or the Board.

Barry said it is full of holes that can be exploited.

Chairman Smith asked Chuck to get a copy to each of the Commissioners.

Barry said one of their objectives is to be on the Internet to publish rules and regulations, etc. so they would be available at any local library.

Jim Foster wanted on record what an asset Chuck has been to the Airport Authority and what he feels he has been to the County since he has been here. He added, I don't know if he'll ever ask me for a recommendation but he sure has one from himself and the other Board members.

#### **ROAD AND BRIDGE DISCUSSION**

King Lloyd was present.

##### ***Worksession - Santa Fe***

King said he attended the work session on landfill in Santa Fe and obtained some very valuable information.

Breakthroughs are being made in the final cover and Subtitle D is requiring the worst thing which is this - the final cover is so great that it's prolonging the life of landfill. There is so much methane per pound of trash that will eventually develop. The caps put in under current Subtitle D Regulations may be such as it lengthens the time period that the methane will develop and have an opportunity to expire. They are looking and doing experiments with other types of liners that promote trans-evaporation; also they are relying more on plant life. It's prolonging the maintenance. There were two days of orientation into the new management practices and cost accounting. King said they toured the Santa Fe Landfill. It was a very interesting operation and they had twice the equipment they needed. This is a municipal landfill just about one year old.

##### ***EIA - Environment Impact Statement - Phone Call - Mike Mottice***

Commissioner McCown and Mike Mottice had a conversation at the Oil and Gas Commission and Mike called King and relayed the EIA that BLM was in the process of developing. King said he sent in a letter addressing his issues. In the BLM's Environmental Impact Statement they didn't feel they would be commenting or addressing the roads as affected by the natural gas industry. Since they weren't going to do that they would will give Garfield County the opportunity to comment and have these included in the Environmental Impact Statement. King told Mike there were a considerable number of roads in the BLM property and asked Mike why he didn't feel it was worthy of commenting on. Mike did not have a response. Mike suggested that King could perhaps put a list of BLM Roads together that he felt were being impacted and let him submit it. King felt he didn't have the time to do this for BLM and suggested Dan Sokal could work on this and then King would look at the list and provide input.

King asked if the Board would like to see a draft copy prior to him submitting it to the EIA?

The Board stated they would like to see a draft copy.

#### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Georgia Chamberlain presented the first quarter reports on investments giving the places where the funds are located; the earnings for the first quarter; public trustees revenues for the quarter; and releases. The Foreclosures are in line with last year. Tax collection is at 30%; last year we were at 31% so this in line. Taxpayers can still pay until April 30th for the first half. The amount of fees collected in the Treasurer's office and certificate of taxes due is up from last year. This indicates more real estate transactions.

Abatement is the taxes have been lowered. If the abatements are under \$1,000 they are handled in Steve Rippy's office. Refunds are paid back at 1% interest.

Georgia said that the last report showed the sales tax from last year from March 97 - February 98 and they had budgeted 5% over however they didn't go up as much as predicted. Therefore this

year, they projected conservatively at \$4,028,000. According to Chuck the March to February is consistent with the projections.

A motion to approve the quarterly report submitted by Georgia Chamberlain, Treasurer was made by Commissioner Martin and seconded by Commissioner McCown; carried.

### ***Road and Bridge - Continued***

#### ***County Road 346 - Snyder Gravel Pit***

King submitted a copy of a letter he had written regarding the Snyder Gravel Pit that was before the City of Rifle. He wanted the Board to be aware of the letter he sent.

Chuck told King he attended the meeting where this was discussed. Snyder projected to put 60 tandem trucks per day on County Road 346. Based on the road impact fee schedule, Snyder would have to pay some \$200,000 road impact fees.

#### ***County Road 346 - Special Assessment District***

Chuck informed King that basically whenever platting property in Rifle they agree to the long participative special assessment district that will improve this road and therefore may be considering something else and not the County Impact Fees.

Discussion continued and Chuck suggested to look at the annexation agreement because when a Town owns both sides of the property, they annex the road.

King said the annual road maintenance agreement addresses snow removal and consists of linear footage that existed in 1989 or 1990 and if we are maintaining more road that lies in the City limits, then the County's annual amount needs to be adjusted.

Chuck will have Rob run an annexation road map.

### ***Forest Service***

Commissioner Martin reported on the meeting with Denny Johnson and Gary Osier on projects. The Board wanted King to contact them and schedule a meeting in Rifle to discuss the Buford Road to Elk Creek.

Commissioner McCown said the local Forest Service people have found a way to trigger some funding and it's by silt control and water ways. They are addressing specific areas where there is sloughing immediately adjacent to drainages and divide areas. They want to know if we want to be participants or if it needs to be contracted out.

Commissioner Martin indicated it was actually setting up a partnership.

#### ***Four Mile***

Four Mile funding fell through. The Forest Service lost everything they tried for on that project. This is the 25% fund and about \$300,000 is the projected amount.

#### ***Buford Road Project***

King was asked to contact Denny Johnson, the new ranger out of Rifle.

Commissioner McCown said this was just a matter of if the County can participate and do we have time and equipment available? They are waiting until the weather breaks to do the Buford Road.

Commissioner Martin stated he had a list of projects and will give it to King.

Commissioner McCown stated the primary concern was the end of the chips at the cattle guard up to where the year-round residents stop on Buford Road. They want Rio Blanco and Garfield to get together when the weather breaks and talk about it. There's about \$70,000 from timber sales available to throw in from Forest Service and Rio Blanco is willing to take their crusher up there and then it's a matter of who hauls from gravel pit to grading - it's a phasing program.

### ***Division of Wildlife - Road Damage***

Discussion included having Don attach a letter to the Division of Wildlife regarding their portion of Garfield Creek. The ditch broke and needs repair.

### ***Sign - Zoning - Building Code Enforcement's***

King did some checking into this posting of signs and hasn't contacted anyone yet that does this. Chairman Smith suggested Routt County as a source.

### ***Fairgrounds Events***

King was directed to get with Carol to place Equestrian warning signs - it is Colorado law. A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into the Board of Health; carried.

### **BOARD OF HEALTH**

Mary Meisner presented the HCP Program (Health Care Program) for children with Special Needs and their families. It's a Federally funded State Program administered by the Colorado Department of Health. It provides information, resources to children and their families with special needs and each year HCP receives specific limited dollars to fund some health care for low income families that meet the financial and diagnostic eligibility criteria. She submitted an application for the Board to see.

Public Health receives funding and they do network with Mountain Valley Development.

Special Needs and Severe Needs are not always the same.

The current caseload is 100 clients.

Mary said they provide a Neuro clinic 4 times a year with a pediatric neurologist. This program is linked with Children's Hospital. This is a way the physicians can refer patients.

### ***WIC***

Mary said the WIC program received a grant to increase their computer system where the local area network can pull up a chart at any time. The State can recall the same chart if they have questions as well. The State maintains and provides technical support for the computer system. Mary said the WIC program is currently lacking one position but she preferred holding off until the LAN system is up.

### ***Public Health Satellite Clinic in New Castle***

This is being operated out of Dr. Eicher office from 1 to 4 P.M. on Thursdays.

### ***National Immunization Week***

Mary stated it was this week.

### ***Health Fair - Glenwood Springs Mall***

Saturday - April 17 in Rifle and Saturday - April 24 in Glenwood Springs

### ***Buckle Up at Rifle High School***

This was a success and truly increased awareness.

### ***Health Officer Role***

Mary mentioned there was a Health Officer's meeting in Delta; it is a newly formed group on the Western Slope working with water quality. They have been working with Dwain Watson, Dave Holmes and Mike Wilson. Mary said they are working with requests for information on water quality from citizens, dealing with complaints.

### ***Healthy Beginnings***

Mary said there were some budgetary concerns with Healthy Beginnings and requested an additional meeting.

A meeting was set for April 28 at 8:00 A.M. This session will focus on solutions and a community approach. The Healthy Beginnings Board Members will be present. Gary Brewer from Valley View Hospital, Dr. O'Donnell and Dr. Warren will be present as well.

Commissioner McCown moved to come out of the Board of Health; Commissioner Martin seconded; motion carried.

## **DISCUSSION: WATER QUALITY ISSUES ON ROARING FORK RIVER - COLORADO DEPARTMENT OF HEALTH AND ENVIRONMENT**

Bill McKee and Dave Ackers of the Colorado Health and Environment in the Water Quality Control Division - 4300 Cherry Creek - Denver were present to discuss the 208 Water Quality Plan and potential assistance from the County in updating the plan and discuss some of the issues as it pertains to the Subdivision Review Process in Garfield County.

Several engineers and attorneys were in attendance in the audience.

Bill McKee - Water Quality Planning - The Water Quality Commission updated the Water Quality Management and Drinking Water Protection Handbook - it is known in Federal Law as the Continuing Planning Process. (This Preliminary Draft #5 was available to those in attendance.) All States are required under the Federal Clean Water Act to have what they call a continual planning process on how you update your original plans and how this is going to make sure that water quality standards are implemented making sure they have discharge permits and other controls that maintain water quality based on these standards. The discussion items included: Section 305 (b) Report; Section 208 Regional Water Quality Management Plans - uses of the plan; roles of the planning agencies; elements of the plan that included - facility needs, facility location, capacity, timing, population/employment projections, service area, level of treatment, social, environmental and economic impacts of carrying out the plan, permit conditions, total maximum daily load/wasteload allocations; non-point source and storm water information and management agency review; process for amending and updating plans; watershed and basin plans; and reports to the public.

Years ago a water quality plan was done for this area for Region 11, designated by the Governor. Region 11 includes Garfield, Mesa, Rio Blanco and Moffat Counties. Back in the 70's there was an agency out of Rifle that worked on the plan and later became known as the Northwest Colorado Council of Governments. Back in 1985 it diverted back to the State. In 1986 the State updated the plan for the lower Roaring Fork area and hasn't been updated since that time.

Bill went on to explain the plan and discuss what is involved in updating the plan. His thoughts are to update the water quality plan for the Roaring Fork and said he would try to do the entire regional level. It would cut off at the Roaring Fork however, with things happening in the West Glenwood Sanitation District, New Castle and Silt it may be a possibility to continue further down the river if the Board of Commissioners thought this would be a good idea.

Bill reiterated that whenever an area plan is being developed, the process includes amendments, changes and the opportunity to update it from time to time.

Bill said the State has funds to hire a consultant of the County's choosing to help update the plan or the County can hire whomever they want and the State can help. He mentioned other scenarios including local steering committees consisting of elected officials, environmental staff, home builders, Chamber of Commerce and/or water control people. The only way to have an effective plan is to have local credence and buy-in into the plan making recommendation to the Commissioners that it be adopted.

Bill said another item he is working on is "Source Water Protection." The focus is on protection of the ground water supply - the public water supply. The concern is contaminants in the ground water before we take it off and treat it. Now the emphasis is not only on safe drinking water, it is on ground water protection and how to protect a community from getting contaminants in the water that might be expensive to treat. This is a new thing out of the Safe Water Drinking Act. Bill spoke of the Environmental Protection Agency 319 Funds and he projected being able to get about \$15,000 dedicated for this planning effort. One thing they would request is for the County to contribute to the fund as a match - a buy-in. He added the amount he would be asking would be \$4, \$5, or \$6 thousand.

Chairman Smith asked if the County updates the 208 Plan and put in the "source water protection" as part of it, what commitment and what does it tie us to, how has this made the County as far as in the legal context?

Bill - added the 208 Plan is voluntary and consists of recommendations although these are not regulatory or mandatory. It is not enforceable in any or all aspects.

Chairman Smith asked if this were pursued as regulatory through the Water Quality Agency, then would it be?

Bill responded for portions of that plan adopted as rules, then it would be mandatory and required. However, he hopes if the County does embark upon this study, there will be an advisory committee to look at the issues and voice a consensus of the Community and support it in most instances.

Dave Akers pointed out in terms of Chairman Smith's question on how the plan could be used legally, there is a provision for site application regulations that requires a review of the plan and any proposed wastewater treatment facility to be consistent with the 208 Water Quality Management Plan. So this could be an area where in designating regional facilities, if the facility came in that was not consistent with the plan, it could be a basis for denying the application for that facility.

Dave added their concern in Garfield County is that the County has sent many subdivision proposals in recent months; and in an effort of trying to look at these and figure what they should do. They need to comment that they are reacting to one development at a time. The issue has become whether or not the subdivision has a sewage plant that we can live with and one we feel works for the County and fits into the regional plan. However, a regional plan lists those areas where the County wants to have a wastewater service area to manage with septic tanks predominantly, and this assists them in looking at the individual developments, plan ahead and get the development consistent with the County's Plan as opposed to reacting to each and every one finally ending up in doing battle and making the best deal we can. This is where they are at the present without a larger framework to compare with.

Commissioner McCown said that according to the State's process, if they don't comment, then it is an acceptance. If we don't receive a comment back and you don't address it, then it basically agrees with your plan.

Dave Akers said he was familiar with the Statute and the way the County has been interpreting it. Under law there is no basis for denial.

Commissioner Martin said he favored continuing to look at this and to become involved in updating the 208 Plan. He felt the Board needed to commit to it.

Mark suggested that an additional step was needed and that was for the municipalities to have a buy-in as well.

Bill McKee reiterated the various ways this could be set up.

The direction the Commissioners gave was for Mark and Bob Szort to talk to the towns, write up a brief summary of what the 208 Plan involves and work at establishing an advisory committee. Bill added to keep in mind and realize it would take six months to one year to accomplish.

### ***Subdivision Review***

Dave Akers - said there have been some sticky situations over the past year when it comes to subdivision reviews in Garfield County. No one has been terribly comfortable with what has gone on. They are acting under the State as part of Governor's Smart Growth Initiative and the Governor has made it very clear to State Government Agencies that they are not in the Smart Growth/land use business. The Governor has commented on the Colorado Department of Health and Environment that he frankly wants them out of land use decisions. However, obviously the Statute dictates or talks about this agency commenting on subdivision proposals as they are brought forward by the Counties. Therefore, they have tried to think through, over the past several months, how to try to not put themselves in a position where they are making or being a major contributor to that whole land use decision making process, yet on the other hand are providing good advice to local land use agencies when it comes to water quality issues. In thinking through this dilemma they looked at three issues that popped up. (Garfield County is far

and away the largest provider of reviews to the State. This is based on two factors - growth at a rapid pace and the County interested in water quality.) The three areas where they have looked with respect to subdivision reviews are:

- 1) subdivisions wanting to create a new waste water treatment plant;
- 2) tie into an existing waste water treatment plant; and
- 3) a subdivision that was going to use ISDS exclusively and for larger subdivisions, could have combinations of 1, 2, 3 or all of those as possible scenarios.

Dave said they are very interested in the County doing a Water Quality Management Plan as this goes to the heart of two of those issues: 1) facility locations (where are they, smaller facilities serving individual subdivision) and 2) regional facilities serving a growth area - where is new growth tying into existing facilities. Having a water quality plan in place shows the big picture. The 3rd scenario is areas where you will have a significant number of ISDS serving a subdivision as opposed to a central treatment plant.

Dave said he has had discussions with Gunnison County over the past year about this issue and they have expressed concerns to Dave about the potential impacts of large development using exclusively ISDS for water treatment. They are concerned about impacts on water quality.

At a recent meeting of the Water Quality Control Commission last week, there was a discussion about DRCOG bringing forth some proposed changes to the ISDS legislation to try and address this issue of multiple ISDS in large developments and potentially recommending changes to the Statute which would then turn into changes in the regulations that might be more stringent in terms of the use of ISDS in those types of situations. Dave added that this coordination effort hasn't developed and there may be a need to have his office become involved. This is more of a Statewide issue than a local Denver initiative. There is a Technical Advisory Committee that has been created to look at some issues that came out of the most recent 1996 changes to ISDS Statute and looking at making some appropriate changes to the regulations. This issue has gotten onto their radar screen and they will be making a determination as the terms they want to have in looking at this issue. Where does this leave us? Frankly Dave said, they look at the ISDS Regulations as something set by the Board of Health; they are based on Statute; and they have a difficult time looking at those regulations and saying if these regulations are followed that's a problem. And yet there are those out there that are concerned about impacts from ISDS that could occur by following those regulations.

Dave said that he was told by Tom Bennett, the Divisions expert of ISDS, that there is not much research that has gone on out there in terms of impacts of ISDS either individually or in large numbers accumulative. His department is committed to developing a cohesive process on a Statewide basis. As far as subdivision reviews for new facilities, if it's going to proceed forward into a subdivision review by the County, then the site application process makes sense for them to look at a subdivision review where a wastewater treatment facility is proposed so that they can make sure there is not something that begins in one direction and then when looking at it for site application, cut off at the knees. They need to be involved from the start and may need to be involved in terms of slowing down the process in order to allow some additional analysis to occur that would be necessary to answer the principal questions - which is site application where you have new development such as is it feasible to consolidate. One situation he referenced was the Rifle Correctional Center and the answer to the question may take a larger analysis. Where there is an existing system it becomes a similar process for them and it becomes necessary to look at the information they have on the current system, its current loading, what its commitments are in terms of future development in its service area and then how all of that fits together in terms of being able to accept an additional commitment for the proposed subdivision.

#### *Summarized*

Commissioner McCown said, not to oversimplify it, on subdivision reviews if it involves a site application or tying into an existing system, the Department of Health and Environment wants to be on board. If it involves ISDS Systems, you don't want to be involved.

Dave - yes, if I can speak frankly.

Commissioner McCown added - different sewage, different waste water, primarily the discharge being the difference.

Dave - said it is not the method of discharge so much as it's a different system under your approval and it's a different standard. In terms of a site application the first step in that is a letter being submitted saying we want to build this plant on this stream, what kind of limits do we have to meet?

Commissioner McCown indicated the problem they have is what is being discussed today - water quality issues.

Dave agreed.

Commissioner McCown asked if one clearly is and one is not a problem in his department with regard to ISDS or a Sewage Treatment Plant?

Dave - said he would not agree that one is and one isn't, he clarified that one has a legal and a management structure that directly is based on water quality impacts and that is a site application process. The legal and regulatory structure for reviewing approval of ISDS is not water quality based. There is no provisions in the ISDS regulations that relate impacts from ISDS on ground water standards and then the approval of a proposal for ISDS based on its ability to protect those standards.

Commissioner McCown asked if Dave thought it was the lack of documentation that causes this or lack of the research?

Dave agreed it was the lack of a link and what they need to do is get people thinking about this as an issue. In essence this is the issue that Russ with DRCOG has raised from his involvement of studies they have done in Jefferson County of ISDS that it certainly impacts water quality however, under what particular situations and scenarios, we don't have enough research to do it. One has a legal and management structure - the legal and regulatory - and it is not water quality based.

Chairman Smith agreed that the research wasn't available.

Dave added however that we should not stick our heads in the sand and say because we don't have research, we shouldn't worry about it. Clearly there is an issue out there that has to be flushed out and resolved.

Bill McKee said most of the urbanizing areas developing in the State have some kind of a local Health Department Forum or Regional Health Department like Tri-County Health with a type of a review and way to work on issues. They are much more aware of issues on soil, they know the sites, they are out there doing other inspections on restaurants or on disease problems so it's real hard for the State to come in and say, on septic tanks in certain counties we are going to analyze every one saying we know every local condition and we know they will or will not work.

Dave said they can review them, but in terms of ISDS in large developments, they would have no basis to comment.

Don DeFord asked if this was because they hadn't developed the regulations to look at?

Dave said there's no real statutory authority to look at ISDS in that manner and this is what Russ with DRCOG is trying to get at.

Don DeFord said if there is a statute right now that requires you to look at it in terms of the context of the subdivision review?

Dave said it was in terms of impacts on water quality and in terms of having concrete site specific evidence to say yes, this will impact water quality or no, it isn't going to affect water quality.

The research has not been done to date to allow us to say that.

Commissioner Martin asked when the State was going to do this research?

Dave said it was incumbent on them to either do it or put together groups of people to assist them in doing it.

Don DeFord asked if there was any movement to do this?

Dave said what Russ of DRCOG started and what others as well as the State has been thinking about is a step in that direction.

Don DeFord asked, until they do this is it pointless for the County to ask the State to follow the Statute on ISDS Regulations?

Dave said it is not pointless for the County to ask them to follow the Statute but he doesn't know, without having clear analytical terms available and within their resources, how much they can really say one way or another. All they can say is "we have no reason to believe that this would cause a water quality problem."

Larry Green asked who Russ was?

Chairman Smith said she asked that as well and commented that this County is used to Russ meaning Russ George, but in this case it is Russ Leopold who works with the Denver Regional Council of Governments.

Larry Green asked how he fits into all of this?

Dave said he has been involved in some work in Jefferson County where they have some water quality problems, (ground water quality problems) that they believe are attributable to large scale use of ISDS, so he is raising this issue in terms of Jefferson County and trying to take this and expand it into a broader kind of view of the issue to see what might be necessary in terms of looking at the ISDS Statute and making some appropriate changes.

Mark clarified that a large metro area has a staff and their own Health Department and a lot of rural counties - we just now have an engineer on staff in the County - and Garfield County had to rely on people like the State Health Department to provide us with the best available technical expertise.

Commissioner McCown commented that once the study is done by the State Commission, the local entities will have no input, it'll be adopted by the State and will become regulations the County adopts.

Commissioner Martin added that we would have the ability to change.

Bill McKee said it would be adopted as a regulation at the suggestion of the local State Boards. They will be depending upon local people to bring forward that proposal to the Water Quality Control Division.

Mark added that they considered the local level having local regulations contained in the subdivision regulations, zoning regulations, etc. and the best way of describing it would be similar to the Comprehensive Plan as being the basic guide for development.

Commissioner McCown was concerned about an unfunded mandate coming down that we are required to enforce, regulate without any funding sources, and inspect.

Bill McKee said that it would be like Mark said, it would not be regulatory, the Board would be allowed to work around it.

Commissioner Martin said we would be allowed to work around it and it would be the Board's decision and if someone comes with a plan that is inconsistent, it could be a basis for saying, you need to go back to the drawing board. The Board has asked that your proposal be turned down however, now is the time to discuss the options. But as far as anyone being mandated to follow exactly what is in that plan, it would have to be a State Regulation. Otherwise it is flexible.

Commissioner McCown asked if the opinion of the department changed in the last two or three years as far as several site plans and systems when you have one in an area that you can annex to or tie into?

Dave said this is an issue of feasibility of consolidation and their opinion and what part of the Water Quality Control Act tells them is that you have to take a good solid honest look if you've got six developers coming in and they all want to develop their piece of ground and they want to put a wastewater treatment plant on it, then under their law it is incumbent on them to have those developers get together as a group and look at the possibility of consolidating all wastewater into one plant and maybe even consolidating it into an existing plant if that is feasible.

Commissioner McCown asked then, the theory is fewer plants?

Dave Akers agreed it was fewer plants.

Commissioner McCown said he had heard recently that there had been a change in rationale in the department that fewer large plants may not be better than more small plants.

Chairman Smith indicated the Board received something in writing about this.

Dave Akers said they have been looking at guidance in decision making where in terms of consolidation and when the plants are 5 - 10 miles apart, then you don't need to look at consolidation per se.

Chairman Smith commented on Dave's remark that the Governor didn't want this department to provide information on smart growth, but due to some of the smaller counties not having their own department, there was a need to be able to obtain information.

Dave Akers said it wasn't so much the Governor not wanting them to comment on smart growth, he mainly didn't want the department to land in the middle with both feet and be making land use decisions. He advocates a hands-off approach where feasible.

Decision

Bill McKee asked if later on they had more information on water quality data or other things about the river, would the Board want them to come back and talk?

Chairman Smith said very definitely, they have raised a lot of issues the people are interested in.

Bill McKee said this is your tax dollars we are using to gather the data and the public should get more information about what it is and what it means and they are willing to provide the information.

Chairman Smith asked to have the County on their mailing list for a final draft.

**PUBLIC HEARING: PUD ZONE DISTRICT TEXT AMENDMENT TO ALLOW ZERO LOT LINE SINGLE FAMILY DETACHED DWELLINGS IN THE MDR AND CAR ZONES. APPLICANT: BATTLEMENT MESA PARTNERS**

Don DeFord, Tom Beard, Dean Gordon, Debbie Duley, Alan Thulson and Mark Bean were present.

Don stated this was a noticed hearing and the date of publication was only for 27 days and it is required for 30 days.

Alan commented he did not read the information, he basically followed what Mark sent him.

Don stated the hearing can be challenged which puts the burden on the applicant. The difference is the Zoning text requires 30 days and the Preliminary Plan only requires 15 days. He further advised the Commissioners that they cannot waive the requirement.

Mark reiterated this can be challenged and would be their risk.

Don DeFord and Alan Thulson discussed this and to some degree the Preliminary Plan is depending on the zoning; however Alan requested to go ahead to get the Plan started.

The Public Hearing for the PUD Zone District Text Amendment for Battlement Mesa Partners was given a new date of June 8 - 11:00 P.M. and 11:30 for the Final Plat for the Public Hearing for the Final Plat for the Fairways Subdivision at Battlement Mesa for the Battlement Mesa Partners in a motion made by Commissioner McCown and seconded by Commissioner Martin; carried.

**PUBLIC HEARING - PRELIMINARY PLAN FOR THE FAIRWAYS SUBDIVISION AT BATTLEMENT MESA. APPLICANT: BATTLEMENT MESA PARTNERS**

Don DeFord, Tom Beard, Debbie Duley, Alan Thulson, Dean Gordon and Mark Bean were present.

Don determined that adequate and timely notification and publication were in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark submitted the following Exhibits were submitted for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D

- Project Information and Staff Comments; Exhibit E - Letter from the Division of Water Resources; Exhibit F - Letter from the Colorado Geological Survey; Exhibit G - Letter from the Division of Wildlife.

Chairman Smith admitted Exhibits A - G into the record.

Mark said this is a Preliminary Plan for The Fairways Subdivision in the Battlement Mesa PUD on a 21.42 acre tract of land located approximately one-half (1/2) mile south of Parachute, in the Battlement Mesa PUD.

The applicant is proposing to subdivide the parcel into 70 single family detached lots, averaging 6500 sq. ft. each. The proposed dwelling units will range in size from 1256 sq. ft. and 2000 sq. ft. The lots will be served by the Consolidated Metropolitan District for water and sewer. Access is off of West Battlement Mesa Parkway.

Mark stated this was based upon the approval of the PUD Zone District Text Amendment which has been rescheduled for June 8, 1998 at 11:00 A.M.

Road impact fees were discussed. Exhibit H - Battlement Mesa Inc., Resolution 8/14/75 and Garfield County Resolution 80 - 100 dated June 2, 1980 concerned with the original PUD were submitted for the record.

Chairman Smith admitted Exhibit H into the record.

Mark said in the Battlement Mesa Resolution on page 3, condition 5 contains some discussion on traffic analysis: "Construction of a bridge across the Colorado River and access roads properly designed to accommodate the volume of traffic which will result at full development of the project, providing access to and from I-70 and other arterial roads." In the County Resolution 80-100, County Road 301, referenced in condition k: "Battlement Mesa, Inc. will resurface that portion of Garfield County Road 300 between the Town of Grand Valley and the point at which said County Road intersects County Road 301, and also County Road 301 to the point at which the proposed arterial road within Battlement Mesa PUD leaves existing County Road 301. Also included is a copy of Turner Collie & Braden, Inc. Transportation Facilities Supplement to Battlement Mesa Project Utility Master Plan dated June 1981 stating "a new crossing at the southern location is preferable from all aspects of traffic flows internal to Battlement Mesa" and "an additional two-lane bridge and approach roads at the existing location will be necessary to upgrade the crossing to the recommended four lanes."

Mark asked for direction if the County asks for road impact fees.

Don DeFord said there are project exceptions and the study area would have to be adjusted.

Commissioner McCown said the road improvements would be the responsibility of Battlement Mesa and in reality the County should take them out of District 1.

Don indicated the monetary amount was established by Resolution.

Tom Beard commented that at the time of the original Resolution, the oil shale was going at full speed and in the context of the reports for Battlement Mesa, 25,000 people were projected to be living in this area and all of them were literally going to work and coming back at the same time. There was a significantly different nature of the idea including population and the peak traffic components at that time.

Commissioner McCown wanted it on the record that this Public Hearing be scheduled prior to the Final Plat Hearing and the numbers adjusted.

Don DeFord asked when you redo the District you want that to take into account the improvements that were contemplated in the original PUD approval or do you just want to reduce the fee based on their impact on the other County Roads as they run East from the Subdivision? Commissioner McCown said he wanted to look at reducing the impact to the \$4 on ADT on the roads going East from the Subdivision.

Don DeFord said so what we are really looking at is the impact of this Subdivision on those roads.

All the Commissioners agreed, yes.

Mark suggested in order to discuss the changes to the Resolution on the Road Impact Fee Agreement with the potential of reducing these impacts, that this be held on Tuesday - May 19 - 9:00 A.M.

Commissioner Martin - asked what kind of impacts to the Sheriff has Battlement Mesa had in regard to any kinds of calls and also does Battlement Mesa have any concerns regarding the law enforcement. He noted that the Sheriff's Office was contracting with them.

Tom Beard commented that Battlement Mesa did not have any concerns. The Sheriff's Deputy is funded through the Battlement Mesa Service Association and it has been a very successful program for the Community and we believe for the Sheriff's Department.

Commissioner Martin - said the other concern is on the mineral extraction going on in that area; are there any concerns from Tom and/or the citizens and how close to this development.

Tom Beard said from the mineral extraction standpoint the closest wells that Brown has to drill are several miles away addressed. Because of misinformation that keeps getting passed around in regard to what Barrett showing 14 miles drilled physically in Battlement Mesa in 1998 was untrue. There are no plans to drill any wells in 1998 or in 1999 by Barrett who is the only one who has any mineral rights or collects any leases inside Battlement Mesa. We have an agreement in place protecting people in terms of location. Tom also indicated a map was floating around that has been rumored that Garfield County has been accused of releasing. This is being addressed by going to each Homeowner's Association meeting and talking about different parts of this.

Commissioner Martin wanted this on the record that it has been discussed so when the Board does address the Public Hearing about reducing the impacts, it will be so noted.

Chairman Smith asked about the map and if it was generated with the County?

Tom said there were potential drilling sites located literally as if they did them with darts and no mathematical ties to these circles. There were 14 that actually fell in the Battlement Mesa property and another 4 that fell outside. These have been known for a long time, but they are simply proposed drilling sites.

Commissioner Martin indicated these were the maps given out at this meeting with circles and handed out by Barrett Oil.

Tom added someone colored in the circles as being indicated to be drilled in 1998- 1999 and that is the problem.

Commissioner Martin stated he has an original and the circles were not colored in.

Tom said rumor was that this was what the Garfield County Planning Department generated off of the GIS System and he informed them they were wrong. Part of it comes from the GIS but the additional legend and colored circles is not.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

### ***Recommendation***

That the Planning Commission recommended approval of the proposed subdivision subject to the following conditions of approval and two primary issues they had concerns that affect the decision today are primary conditions No. 5 and No. 6 and how they affect this issue in terms of how we deal with road impacts.

All representation of the applicant, either within the application or stated at the public hearings before the Planning Commission shall be considered conditions of approval unless otherwise stated by the Planning Commission.

A Final Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lot, access to public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities and include the following plat notes:

1. "Control of noxious weeds is the responsibility of the property owners."
2. "All construction shall be consistent with USFS Wildfire Prevention

Guidelines." 3. "No open hearth solid-fuel fireplaces will be allowed; each dwelling unit will be allowed one (1) new wood-burning stove as defined by C. R. S. 25-7-407, et. seq. and the regulations promulgated thereunder; and there will be no restriction on the number of natural gas burning fireplaces or appliances included in the protective covenants."

4. "All exterior lighting will be directed downward and inward, to prevent glare on adjacent property."

5. "All exterior vegetation may be subject to wildlife impacts and should be 'wildlife tolerant'."

That protective covenants will be developed to limit the number of dogs allowed to one (1) per dwelling unit and that dogs will always be fenced or on a leash when outside of the dwelling unit. The covenants will provide for progressive penalties for allowing dogs to run at large that will allow for removal of the dog from the subdivision.

That all foundations will be designed by registered geotechnical and that engineered designs will be submitted with each building permit application.

That the Battlement Mesa PUD zone district text be amended to allow for single family detached dwellings on zero lot line lots, prior to the approval of the Board of County Commissioners of the Preliminary Plan.

That the applicants be required to pay the applicable road impact fee at the time of Final Plat.

That a properly formatted computer disk be provided to the County Assessor and the County GIS office, that contains the applicable data for the final plat to be entered into the systems.

A motion was made by Commissioner McCown to approve the Preliminary Plan for the Fairways Subdivision noting recommendation No. 5 and No. 6 and make sure the Zone Text Amendment is approved prior to Final Plat and also hopefully we can get the Road Impact Fee problem ironed out prior to Final Plat.

Commissioner Martin said with one final note he would second the motion and that is the "Right to Farm." Commissioner said he would amend his motion to include this.

Motion carried.

#### ***Letter on the Airport***

Chairman Smith said that Phil Vaughan has sent a letter asking a time extension of the completion of the schematic on the Regional Airport Fire Station from April 30 to June 30, 1998. A soils test had not been completed and he wanted to do the soils test before completing the schematic for the foundation. We just now obtained approval on the site location.

Commissioner McCown so moved that the Chair be authorized to sign an extension to June 30; Commissioner Martin seconded; carried.

#### ***Impact Assistance Grant from the Division of Wildlife***

Steve Rippy explained the difference in the dollar amounts saying it was based on agricultural land evaluation; and acreage had increased but price per acre was down.

The total amount of the grant was for \$8,548.20 and total number of acres included in the application were 13,271.28.

#### ***Facilities Use Agreement - Agenda Item for Tuesday, April 28***

Don said the Facilities Use Agreement was ready for signature today however, it is set on the Commissioner's Agenda for Tuesday, April 28. The changes that included the indemnification and insurance had to be changed.

Don said he asked that the County and the Sheriff, both had to authorize any changes in the operation of the facility from its current mode in terms of changes to the physical facility or the property that is the County. Any property that is the County's is solely the responsibility of the Commissioners.

Chairman Smith commented this E-911 under the County works under the direction of a Board, the fees paid for the equipment.

Don commented on a 24 hour basis, the Sheriff is the one that oversees the building security. Commissioner McCown asked that one entity not have the authority to change the operations. Rifle wants to make changes to the last draft of the E-911 that is slated to become a Communication Authority Function on May 1, 1998.

Don said what was related to him was the Rifle City Manager had two areas of concern: return of capital assets that are contributed particularly to cash due to the manner in which each entity operates and participates - they wanted some of their funds back as opposed to just having the City or the County get it back. The other is a concern expressed by their City Manager that as time goes by the contributions from the West end of the County to the Capital Reserve for E-911 will be greater than the East end and wanted to account for this in some mechanism. This will eventually lie in the hands of the Communications Authority and they will be the only ones to answer these concerns.

Commissioner McCown said that is why they decided to wait until this was under the Authority. Discussion was held and additional comments were postponed until the Special Meeting on April 28, 1998.

***Executive Session - Personnel Issue - Communications Authority***

A motion was made by Commissioner Martin to go into an Executive Session to discuss a Personnel Issue. Commissioner McCown seconded; carried.

**Adjourn**

Attest:

Chairman of the Board

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APRIL 27, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The Special meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, April 27, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Chuck Deschenes and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Marian Smith called the meeting to order at 8:05 A.M.

**SOCIAL SERVICES**

Margaret Long and Colette Barksdale met and discussed monthly reports; bills and payroll. A motion was made by Commissioner McCown and seconded by Commissioner Martin to pay the bills and payroll as submitted; carried.

***Budget***

Margaret explained the administration portion of the budget and why it is over half expended saying this is those positions that they have to put back, after the State does the Random Moment Sample, and Colette then redistributes it against the various programs. She said they budgeted appropriately however, so they will know when they distribute where things are, but it is vexing to her and more so to the Commissioners no doubt.

***Historical Review - Special Economic Assistance & Prior Programs***

Margaret said in 1991 there were two categories of non-categorical aid. One was called general assistance and the other was non-reimbursable child welfare. One was for \$3,000 and the other was \$14,000 and the general assistance funds could be used for any person who generally would meet the department's guidelines who needed some emergency help. In child welfare it was broader but the department could use these funds to turn on utilities, etc. When major cutbacks in the budget had to be made, these two categories were eliminated. The Special Economic Assistance Program when it became available several years ago back filled some of the void in child welfare..

Colette said those programs were 100% County dollars and the replacement is 100% State dollars.

***Food Stamps Report***

The report reflects the long term historical view of what is going on in the food stamp program. It reflects the economy and the Employment First Program that one of Janice George's staff is running. This is good news.

Chairman Smith inquired about the denied or discontinued food stamps. Does this mean they didn't meet the criteria to start with and they were making more money than they should?

Margaret added yes and/or they didn't come back in for a re-certification review.

***TANF Program***

Margaret submitted a letter from the State regarding the Welfare Reform Program. It's the usual bureaucratic thing but looking at page 3 work participation is a keystone in the way a Federal Government Program is evaluated. The State is held to this standard and if we ever have a contract with the State it is what we will be held to as well.

The average in the State at this point is 20% and the average for Garfield County is 46% making us twice as much plus some, as the State. We are very close to meeting the work participation requirements for the year 2000. If we can hold it there, then we are doing very well.

Janice George indicated that it not only counts the job, it is post-secondary schools, GED and there is a lot that goes into what they call a work participation on-the-job.

Margaret said for instance we have several people who are working 20 hours or more of work experience within our agency and elsewhere expected to work, but not paid to work. Janice along with colleagues at Colorado Mountain College and their Board of Advisors for the Gateway Program they have come up with some changes they would like to make to that program. Janice handed out copies last week of the proposed changes and said they would like to change on the "other assistance" that is available under the supportive service dollars, No. 8 "Incentive Payment for Successful Progress through the IRC" - Individual Responsibility Contract - that individuals sign with the Department. We have worked out what they believe are some hands-on criteria that would help these people if they are meeting their hours; for those that are in school and have good grades; time on the job; and are attending whichever program in a timely fashion. For this criteria, we would like to give an incentive payment. This has been discussed with several other Counties in Colorado who are doing the same or similar and finding it very successful for the participants. It gives the participants something to feel good about and this is the goal - to have better self-esteem and to be able to succeed. In some cases it is dental work that is needed to secure employment. If a participant has a real severe toothache and an inability to pay for dental work, or if a cap is needed on a tooth - these are real areas of concern. However, in order to do this, there is a need to increase the limit at \$800 per year per household. She said they would like to increase this to a possibility of \$3000 per household per year. This doesn't mean they will be spending it on every person. The number one priority is the transportation - mileage costs paid to participants to go to school or obtain their GED. For each request over \$500 for anything would have to go from the Case Manager through Margaret to be approved. Janice further explained that each participant needs to be working on a particular category such as a job search, completing a resume, formal training, interviewing skills and meeting hours required in the Individual Responsibility Contract. The department will be contacting employers the participants have gone to in the application process to get feedback how they presented themselves for the interview. Obtaining a job that has or will have benefits is a goal. Chairman Smith asked if they would be penalized because they are told they may be available in the future and then they are not.

Janice said no, they are having a whole group of people who are running out getting a job that will never lead to self-sufficiency. On top of that they are not prepared to go to work. They want to make sure the participants are looking at jobs that will lead to self-sufficiency for them. The benefits package is an additional incentive and something they could possibly pickup in the future.

Chairman Smith's concern was if a small company offered a position but did not offer benefits, if the program participant would need to turn the job down.

Margaret added they are trying to encourage the people, if there is a choice between a job that pays \$8.00 an hour and no benefits and \$7.00 an hour but potential benefits are a possibility, that they will look at the potential and look seriously at taking the \$7.00 an hour position because if they don't have benefits, and either they or their children get sick after extended Medicaid benefits end, they are likely to be back in the program. This rewards sensible thinking.

Commissioner McCown said that as a small business owner, he does not offer insurance benefits. Janice added the goals are to give these participants in the program as much a chance as they can. The track record in the past has been excellent. Janice said the basic criteria was developed in connection with the Gateway Board. It is in the rough stage at this point.

Margaret suggested eliminating No. 2 or at least rewording the incentive and taking this back to the Gateway Board for additional comments. The maintenance of effort dollars are under spent and at this point it means letting money go back to the State and that is the reason for looking at incentives and using the funds positively.

Chairman Smith commented that she has watched the incentives in the Uncle Bob program under the Self-sufficiency Program under HUD and some have walked away taking a loss. A motion was made by Commissioner Martin and seconded by Commissioner McCown to go ahead and approve the request by Janice for the program with the change in No. 2; carried.

#### ***Letter - Complaint***

Joy Davis and Margaret Long commented that they responded to the letter by certified mail on the divorce case. Joy explained the situation and that it was a sad case but they were doing the best they could. She explained that with Welfare Reform, the absent parent can't be on the program forever and eventually should have to pay support.

#### ***Child Support - Judicial Process***

Don DeFord met with Judge Ossola and it was determined that the program works well and did not have any drastic changes except the Judge wants the child support cases for foster case fees in child welfare cases to be joined together.

In the past the collection of child support for foster care hasn't worked, but at the Judges directive they will try again.

#### ***Core Services***

Resa Fillis and Margaret presented. Margaret mentioned that Resa Fillis had presented this on Monday, April 20 during the Social Services regular meeting with the Board of Commissioners. The Core Services to be provided/purchased include: Home Based Intensive Family Intervention Service; Intensive Family Therapy Service; Sexual Abuse Treatment; Day Treatment Service; Life Skills Service; Special Economic Assistance; Mental Health Services; and Substance Abuse Treatment Services. Core Services are 80/20.

#### ***Additional Sexual Abuse Staff***

Commissioner McCown stated that he didn't want to create new positions in Social Services and then all of a sudden the funding would go away and the County would need to step up to the plate and try to carry it. Margaret explained that at this point they were only moving the funding for some of the in-house services from other agencies to an in-house position as the services provided in these area have not met the need. She may present a proposal to also move sexual abuse treatment to an in-house position.

Don DeFord explained that one of the problems his office has is when in-house staff is working with therapeutic work as well as case work there is inherent conflict with that because in a therapeutic mode they develop responses and materials that are not available to the Court or to Counsel including his office as a matter of privilege and it is very hard for the case worker/therapist to separate those roles practically. So both he and Carolyn Dalghren have recommended that they split these roles and have a full time therapist working in this area and then treat case workers differently. It is essential to have an expert therapist available for Don's case load as well as treatment purposes.

The Board went through the program plan and discussed the questions they had.

Resa stated the finalized plan needs to be submitted with signatures of all county directors agreeing to the plan and the MSO by May 15, 1998.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve for adoption and authorize the Chair to sign the Core Services Plan; carried.

#### ***Citizens Grievance Appeal Board***

The following names were submitted for this Board:

Maureen Willman  
Arnold Mackley  
Sandy Steele

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution appointing Maureen Willman, Arnold Mackley and Sandy Steele members to the Citizens Grievance Appeal Board for Child Welfare Cases; carried.

***Administrator for the CGAP - Dale Hancock***

Don said he has spoken with Dale Hancock and he is willing to be the designated administrator by the Board of Commissioners. The duties required of the administrator include: arranging for a hearing when there is a grievance; a right for consideration by the Board; a place for the hearing; notify the appropriate members of the Board; (these three will be put on a list with multiple County Area Boards) and a determination will be made as to who will participate on the Board from the necessary appointments arranged with the recorders or recording if necessary.

Don said separate counsel would be necessary to represent this Board as Don's office represents Social Services. There is a grievance going through the process at the present time.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to appoint Dale Hancock as the Citizens Grievance Appeal Board Administrator; carried.

Chairman Smith asked for a packet of information for each one of these Board members.

Don stated he would prepare a Resolution for this Board's appointments.

***Executive Session - Personnel***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

A motion was made to come out of the Board of Social Services by Commissioner McCown and seconded by Commissioner Martin; carried.

***Release of Grant Funds for Senior Housing Option***

Don requested authorization of the Chair to sign the release of grant funds for the senior housing option contingent upon the attorney's review.

Commissioner McCown so moved. Commissioner Martin seconded; carried.

***Executive Session - Settlement of Litigation with the City of Glenwood Springs***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss this settlement of litigation with the City of Glenwood Springs; carried.

A motion was made to come out of Executive Session by Commissioner McCown and seconded by Commissioner Martin; carried.

***Executive Session - Personnel Matter - Former Communications Director***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss a personnel issue involving the former communications director; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

A motion was made to recess until 1:00 P.M. by Commissioner McCown and seconded by Commissioner Martin; carried.

Recess until 1:00 P.M.

**CONTINUED PUBLIC HEARING - PRELIMINARY PLAN FOR LOS AMIGOS RANCH PLANNED UNIT DEVELOPMENT, FILINGS 6 - 10, LOCATED APPROXIMATELY 5 MILES SOUTH OF GLENWOOD SPRINGS OFF OF COUNTY ROAD 114. APPLICANT: LOS AMIGOS RANCH PARTNERSHIP**

Mark Bean, Michael Erion, Dean Gordon, Larry Green, Tim Thulson, Greg Boeker, Terry Eubank and Don DeFord were present.

Mark stated that this was continued from 3:30 P.M. on April 13, 1998 for the purpose of hearing additional testimony and rebuttal testimony made in response to John Kaufman - Engineer; and rebuttal of John Kaufman to Engineers Ed Church and John Currier. Responses were asked to be submitted prior to the meeting in order for time to allow each party having knowledge of the discussion items and ready to present.

Larry Green presented that information was received from Sherry Caloia after 3:00 P.M. on Friday and from CMC this morning. He did receive a response from Bob Szrot however, the applicant is going to request an additional continuance.

Don added that the applicant and the Board have received additional comments and did not have an opportunity to review the material.

Larry asked for a couple of weeks.

A continuance was granted until May 19 at 1:30 P.M.

Sherry Caloia and John Kaufman were present.

Mark presented the following additional Exhibits to be admitted to the record: Exhibit X - Memorandum from Bob Szrot; Exhibit Y - Addendum No. 1 from John Kaufman, McLaughlin; Exhibit Z - Letter and subsequent Glen Chadwick including a letter to CMC from Jerome Gamba - potential impacts of individual sewage disposal systems;

Exhibit AA - Letter from Michael Erion dated 4/27/98 regarding Los Amigos additional review. Chairman Smith admitted X, Y, Z and AA into the record.

Larry said that given that this issue has become a significant issue with engineering that he would like to set a date to provide additional information.

Don suggested that the new County Engineer, Bob Szrot review this.

Commissioner Martin - let him review these and if he has any additional comments, then he can submit those in writing.

Larry Green asked that the Board set a date of the end of business on May 13 to have all information submitted from Los Amigos engineers, the County Engineer, and any other comments by either side to the Board of Commissioners.

Motion by Commissioner McCown and seconded by Commissioner Martin to continue this until Tuesday, May 19 at 1:30 P.M.; carried.

### ***Settlement of Litigation - LARP (Los Amigos Ranch Partnership vs. Board of County Commissioners***

Don DeFord presented a settlement of litigation saying this was Los Amigos versus Garfield County, (LARP vs. Board of County Commissioners) where LARP filed originally against the State of Colorado and then joined the County as a result of a refusal to enter into Final Plat and Subdivision Improvement Agreement with LARP concerning Filing 2-A of the Los Amigos PUD. Filing 2-A is a single lot filing. The issues, he explained, were that this required an ISDS sewage disposal system. The State originally opposed the Preliminary Plan and PUD of that project and had written letters recommending that the Commissioners not approve this method of sewage treatment; the Commissioners refused to grant the ISDS system until LARP obtained a favorable comment from the State; LARP was unable to do this; later the State withdrew further comments and refused to submit an affirmative favorable response contradicting their negative responses. In talking to Tim Thulson about resolving this matter, it was generally agreed that the resolution of the pending filing, which involved 168 units in Filing 6 - 10, will set the tone for the ISDS in this Subdivision, whatever the decision of the Board; and further it was discovered that more than a year has passed since the County had passed Preliminary Plan approval, therefore the Preliminary Plan approval had died because they had not gone to final plat. Tim realized it was fruitless to go forth with the litigation and he will be getting Don a motion to dismiss all pending matters concerning Filing 2A this afternoon. Don needs authority to sign that dismissal. The Court refused to dismiss based on mootness. Until the County received a favorable response - no response is a favorable response.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the County Attorney to sign the dismissal; carried

***Cattle Creek - Review of Impacts - Nichols***

Peter Nichols sent a letter offering his services in reviewing the information on impacts as presented in documents and verbal discussions from THK and BBC studies. A maximum of \$1000 was named as the ceiling.

Mark indicated this was compensable to pay by the developer as well.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize Peter Nichols to spend two days of his time analyzing the two physical impact statements done by the THK and BBC for the technical assistance of the Board of Commissioners for their evaluation and review for 16 hours with a ceiling of \$1000; carried.

***Farm Land Trust***

Mark presented to the Board an opportunity for the Farm Land Trust to provide a Forum in this area that would furnish assistance to local communities on farm land policies on May 11, 1998 from 7 - 9 P.M. They were requesting a letter from the Board to sponsor their participating in the County. Mark said it deals with agricultural and conservation issues. They will do the advertising and this is at no cost to the County.

The Board said they didn't have any problem with supporting this Forum.

***Sierra Bluffs PUD - Porter***

Mark reported that Barton Porter has stopped in to see him and reported that all the work had been completed. Mark said he informed Barton that he would need an Engineer's analysis to confirm this. Mark will keep the Board informed and he will also wait to set the Public Hearing in case this information is submitted on Sierra Bluffs.

***Cattle Creek - Public Hearing***

Mark added that May 12 may not be adequate time for the Board to hear all the public testimony and suggested setting an additional day.

The Board said they would be able to meet May 13, but Commissioner McCown would be gone the next two days.

A motion was made to recess the meeting until 5:00 P.M. by Commissioner McCown and seconded by Commissioner Martin; carried.

Recess until 5:00 P.M.

**CONSIDERATION OF SETTLEMENT - CITY OF GLENWOOD SPRINGS AND GARFIELD COUNTY BOARD OF COMMISSIONERS**

Jim Leuthueser, and Don DeFord, Jan Kaufman and Al Maggard from the Jail Advisory Board; Sheriff Dalessandri, Dan Hall, Dale Hancock, and Commissioner Candidate - Brad Hendricks were present.

Chairman Smith called the meeting back to order and Mildred Alsdorf called roll - all three Commissioners were present.

Sam Skramstad - called to order a special meeting of the City of Glenwood Springs April 27, 1998. Roll Call: Marc Adler; Mary Steinbrecher; Don Vanderhoof; Greg Jeung; Sam Skramstad; Bob Zanella and Jon Tripp were present.

Chairman Smith stated we were here to discuss proposed settlement agreement. Don would you like to go over a brief synopsis?

Don DeFord - sure.

Don DeFord - I've handed out copies of a proposed settlement agreement between the County and the City on the existing litigation of, I will state this as far as I'm concerned is a public document and is available to anyone who wishes copies of it; and I'll just summarize that document, in the first part it provides that the City would generally do the following things: It will draft and

consider proposed amendments to Title 70 of the Municipal Code and other land use regulations that would alter provisions in the C/2 and C/3 Zone Districts of the City allowing certain government structures as it relates to the County, most County operations to be treated as uses by right under the zoning code in those districts. The second section of that paragraph makes it a further exception of the use by right provision and that would be in regard to a specifically jail facility which in both zone districts will be treated as a special use and subject to special use requirements that would be no more stringent than those that currently exist in that zone district. Thirdly, it provides that the County would be permitted to construct a temporary jail facility on what is commonly known as UPL property and then at one time only and specific exceptions shall be made to the zoning and major development process of the City of Glenwood Springs that would permit that to occur with the County required only to obtain a building permit for that structure, and I have to emphasize that this is intended to be directed specifically at the proposal to build the temporary facility on the UPL site to alleviate our current overcrowded facility and would be done on a temporary basis. It provides certain physical limitations on that type of facility - numbers of prisoners, size, that type of thing, and provides that the facility as a temporary unit would be allowed to remain in place for a period of two years and if the County, has under construction a permanent jail facility by the end of that two year time period, the County would be permitted to continue to occupy that facility but for no more than an additional two years. It also provides that the City will participate in a motion to continue the time frame set forth in the current litigation concerning discovery and briefing, etc. in order to allow the City to properly consider the necessary ordinance and go through their public period of process for that purpose. From the County's perspective, we would turn to paragraph 2 - if the City proceeds through the Public Hearing process and at the end of that process in regard to ordinances I've just described, adopt ordinances that accomplish those things, then the County would need to dismiss the current litigation in regard to a majority of the allegations or substitutive theoretically allegations in the complaint that would be done with what we call without prejudice. That is that should the need arise in the future, the county would be permitted to raise those claims again, and that's specifically in relation to claims of statewide concern as it relates to erecting of county buildings. We would also specifically dismiss with prejudice and that means, dismissed and gone forever, claims that the hearing processes concerning the facility that we proposed on the current jail site were not conducted in a proper manner, and further specifically agrees - I've just said to go ahead and seek the building permit for the temporary jail and comply with the building and fire code requirements in regard to that facility. As a general proposition, this settlement agreement at this point sets forth the procedure that at its conclusion would result in settlement of the case, that is - follows lines of process for adopting ordinances and then considering ordinances, what the County will do if those ordinances meet our requirements but the case could not be finally brought to an end unless all of the requirements of this agreement were met. Don - I don't know, as this relates to the public community, is there anything you want to add to that. Chairman Smith - Don the only thing that you may have said and I missed it, but at the end of the two year period and the additional two year, if we are in the process of building, the building will be removed.

Don - yes, yeah.

Chairman Smith - is that part of the

Don - the outside limit is four years.

Chairman Smith - four years - absolute.

Don - yes, four years outside limit.

Commissioner Martin - at the end, we have a jail built, there would be no need for that sort of a building - it disappears.

Don - so it is under this agreement that we would propose to resolve the current litigation what I will be seeking after discussion of this and any questions you may have, is a motion that would authorize the Chair to sign this agreement. Our intent is that if both parties agree today, we

would take this agreement and submit it to the District Court and ask for appropriate continuances in the time frame set forth in the case management order.

Teresa Williams - well I think the time frame we're looking at is no later than June 1st.

Don DeFord - that's correct.

Chairman Smith - we do have it in there as June 1st.

???? - what's this E? paragraph E? a period of 45 days

Don DeFord - the current Case Management Order extends our discovery in the case, all dispositions, etc. have to be completed on the 30th of April. the motion to - and I have copies of the motion to continue this time frame, if you all want to take a look at those - but essentially it moves that time frame to complete discovery from the end of April to the middle of June.

Teresa Williams - and that would give us time to get through this process.

Don Vanderhoof - that does give us enough time, it's close, but it gives us enough time.

Don DeFord - very well put, Don, it does.

Commissioner Martin - but it's necessary to allow us and again what we're doing is just extending our attempt to work with the City, it's a trust factor on both sides- I think it's a good compromise, I think I've contacted every person in this room it seems like, about this and I really do feel that the best interests of all the people in the County are at stake here and that's where it's at. We need to live up to our agreement.

Chairman Smith - yes

Sam Skramstad - just one comment, you know, three versus seven. I, we had seven minds here to, to satisfy and there's a few things. The thing that was nice about this whole process that and you being a part of it, was that everything was thrown on the table and open to frank discussions and it was really nice to deal that way. And some of the concerns that everyone - join in if I miss some major ones but - a lot of this is based on the premise that earlier statements in the process - this Spring, that the County's intentions was, is, was and still is to, to make that site selection this Spring so we're breaking ground this Fall, so on and so forth. Now, is that basically still the time line that you're looking at? I guess for other discussion purposes, I know we're going to get into more tomorrow with Wulfshon, all seven of us, support the Wulfshon property and the City is really prepared to make some extensive commitments in partner shipping or being a partner with that situation if it comes to that so, those two things that I wanted to make sure were on the table and everybody was aware of where each body stood. So, did I, is there anything else of a major consequence?

Marc Adler - well just going ahead with what Sam said, the site selection that you'll choose - whatever that site is, I'm assuming will be chosen before this actually goes to second reading of the ordinance from us which would be basically, in the first of June, so, I just want everybody to know that, that's my biggest reservation is that I'd like to know what I'm actually approving here so, just that you understand at least my particular concern is that and so, I feel very comfortable having this as a use by right for the office buildings and such on the C/3 I - my hesitations are as the jail use, as you all know I haven't changed that opinion so as long as at least I know where the site selection is when it comes to our final vote, I'll be, feel more comfortable today. I don't want that to be construed as that I've made up my mind until I can at least see where the site actually is. So I thought I'd better say that so as no ill will - if that doesn't work out again.

Commissioner Martin - again, it's a door of opportunity and trust, and as long as you understand that...

Marc Adler - that's right and I think - it takes that.

Chairman Smith - other comments? Larry; well...

Commissioner Martin, I'll make a motion

Chairman Smith - all right

Commissioner Martin - to go ahead and to allow the Chair to sign the Resolution and the Settlement Agreement with the City of Glenwood Springs.

Commissioner McCown - second.

Chairman Smith - further discussion. All those in favor?  
Smith - aye; McCown - aye; Martin - aye.  
Sam Skramstad - okay, the Chair would entertain a motion.  
Bob Zanella - I'll make a motion we adopt the Settlement Agreement with Garfield County and instruct staff to proceed with the necessary ordinances.  
Don Vanderhoof - second.  
Sam Skramstad - any discussion. Being none, cast your votes by saying aye.  
Zanella - aye; Vanderhoof - aye; Steinbrecker - aye; Jeung - aye; Adler - aye; Skramstad - aye; Tripp - aye.  
Sam Skramstad - nay, same sign.  
Chairman Smith - okay. Thanks.  
Sam Skramstad - is there any input from the public. Does anyone care to comment on this particular item?  
Jan Kaufman - yea!  
Sam Skramstad - Being none I guess the motion of both pass.  
Sam Skramstad - and we'll see you tomorrow at 1 P.M.  
Don Vanderhoof - we need a motion to adjourn.  
Sam Skramstad - is that a motion.  
Don Vanderhoof - yes.  
Sam Skramstad - I have a motion to adjourn. Is there a second?  
Greg Jeung - second.  
Sam Skramstad - All those in favor say aye.  
Zanella - aye; Vanderhoof - aye; Steinbrecker - aye; Jeung - aye; Adler - aye; Skramstad - aye; Tripp - aye.  
We are adjourned.  
A motion was made by Commissioner Martin to recess. Commissioner McCown seconded; carried.  
*Recess until April 28, 1998 - 1:00 P.M.*

Attest:

Chairman of the Board

\_\_\_\_\_

\_\_\_\_\_

MAY 4, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 4, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Chuck Deschenes and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Marian Smith called the meeting to order at 8:05 A.M.

**COUNTY ADMINISTRATOR**

This is officially Chuck Deschenes' last day of work at Garfield County as the County Administrator.

***Library - Update***

Jaci Sphuler reported that the bids should be turned into the Library on the roof at 5:00 P.M. on May 6. There is a bank of windows that project up onto the roof at the Glenwood Springs Library and a full peaked roof of any type would create the windows looking into the roof's structure and will require additional lighting. Otherwise it would be two separate peaked roofs with drainage channels which runs into a lot of money. Just for a doing a peaked metal roof on that building, because of the amount of construction that would have to be done for trussing and removing the pediment wall that circles the entire building since it is a flat roof, an oral estimate was \$89,000 from John Groth. Steve Thomas said it would be somewhere between \$90,000 and \$100,000 to get it done and it would not look that great due to the amount of slope needed. The air conditioners are also on the roof and would require an additional adjustment. The contractors also told them part of the problem with that roof was that it was not done properly to begin with. The metal cap that should go around the entire pediment was not done. Miracle Roofing out of Grand Junction had a one-year building warranty on the building and tried to fix it with roofing tar which didn't work. Jaci was told just to fix the metal capping; the EPDM looks okay; and then the Library could get some of the other things done that need to be such as guttering. The other problem then is the exterior walls which are falling out into the street due to the water damage done by the leaking roof.

Jaci said the New Castle Library is a different story. There is a possibility of putting a slanted roof on that. Stark Brothers would like to put an EPDM with a lot of slope or a sealed metal roof. Those bids should be coming in by the deadline.

Chuck said when it reached \$100,000 difference, he and Jaci decided she should come back before the Board. Jaci said they would be back again after the May 6 when the bids were in.

***Fairgrounds Contracts***

*Colorado Quarterhorse Association*

Commissioner McCown made a motion and Commissioner Martin seconded to authorize the Chair to sign the Colorado Quarterhorse Association Fairgrounds Contract for May 16 - 17, 1998; carried.

*Rifle Chamber of Commerce*

Commissioner McCown made a motion and Commissioner Martin seconded to authorize the Chair to sign the Rifle Chamber of Commerce Fairgrounds Contract for May 30 - 31, 1998; carried.

*Antonio Ruiz - Addendum to Fairgrounds Contracts*

Chuck stated this was signed and approved by Antonio Ruiz.

### ***Journal Entries***

Chuck presented the journal entries for review by the Board.

### ***Space in the Courthouse***

Phil Vaughan has been looking at the space and providing this at his basic hourly rate. The Board is anticipating an evaluation.

### ***Economic Development***

Mildred submitted a packet of information that had been obtained from searching the files. Chairman Smith said the County originally put in some funds at the inception of this program. Chuck thought it was Oil Shale Trust funds back in 1986 - 1987.

Chairman Smith stated the last bank statement the organization had showed a balance of about \$30,000.

Commissioner McCown said it looks like the County was a pass-through.

Mildred said she would go back to the minutes from 1983 - 84 to check into the amount put in by the County.

Chuck indicated the 1986 financial records should have record of the \$100,000 as well.

Eric Walters - Dalby Wendland was the last contact person.

### **PAYMENT OF BILLS - PAYROLL**

Chuck submitted the bills and payroll for review and approval.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the bills and payrolls as submitted; carried.

Chuck stated he had an updated list of his "things to do" for the Commissioners.

### ***U.S. Geological Map***

Chairman Smith submitted the first Geological Map of this County. She stated it was in color and this is a welcome addition to our maps.

### ***Update - Solving Land Use Problems***

Chairman Smith wanted the other Commissioners to know these documents on land use problems were here at the County.

### ***Fire Station - Soils Test***

Chuck reported that CTL Thompson submitted a proposal for \$1800 to provide the Soils and Foundation Investigation for the proposed Rifle Interagency Fire Station to be built at the Garfield County Airport near Rifle.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the contract; carried.

### ***Personnel Policies - Kathy Greer - Susan Owens***

Draft Copies were submitted and May 6 at 9:00 A.M. was set for all elected officials to meet and review them.

Mildred stated the drafts have been given out and said that Susan Owens has a lot of questions on things that need to be answered.

### ***Don - Scheduling Item - 10:00 A.M. Item - Cattle Creek Crossing PUD Application***

Don mentioned that he had scheduled a discussion on the agenda at 10:00 A.M. with Attorney John Schenck and George Hanlon to discuss time factors involved with the Cattle Creek Crossing PUD application.

### **JAIL DISCUSSION**

Sheriff Dalessandri, Dale Hancock, Don DeFord and Al Maggard were present

### ***Jail Count***

Total in Jail - 133. 39 main jail; 50 Work Release; 11 females; 11 other jails; 8 Home Detention; no Day Reporting; 13 Workenders; 1 State Hospital; and 6 DOC.  
Dale said that Day Reporting is still an option but getting the Judges to cooperate and apply the sentence to this program is the problem.  
Tom mentioned the emphasis this summer with the Workenders will be the Fairgrounds, golf course and in addition, the County roads all summer long.  
Dale said there were 2 officers on board in this program now so a lot can be accomplished.  
Tom said the prisoners will be doing emergency sandbagging. Sun King Drive broke the banks and Tom almost used them for this.  
Mildred said she got an ACT in her office that addresses this issue of using inmate labor for projects of this nature.

### ***Community Operations***

Dale stated we negotiated with Spacemaster on the non-acceptability of the elevated lease. If the Regional Manager can solve the problem then we will proceed ahead with Spacemaster.  
Don indicated that they might have some difficulty with both of the adjustments in the Contract.  
Dale informed Spacemaster that the Board was moving ahead obtaining bids from other factories.

### ***Permanent Jail***

Don has talked to the Attorney for the Glenwood Sanitation District who will get back to him with cost issues, EQR's for sewage treatment, etc. in regard to the Wulfshon Property.  
Dale and the Sheriff are developing transport cost from the Rifle Hollenbaugh site and the Glenwood Wulfshon site.

### ***URS Greiner - Detention Center - Preliminary Estimate - Site Development Costs***

***Dale talked to URS regarding the site development costs (startup) on the Hollenbaugh and Wulfshon property. URS gave a price quote of \$6,730 and would be able to do an on-site visit on Wednesday, May 6 and have the report completed by the May 18 Commissioner's meeting.***

The study by Hepworth-Pawleck from the City will be provided to URS in order to save duplicating engineering efforts.  
A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the expenditure of \$6,730 to URS to do site impact studies on the two sites - Hollenbaugh and Wulfshon - in time for the May 18th meeting; carried.

### ***Jail Advisory Board***

Al Maggard reported on the activities of the Advisory Board.  
Thursday, May 7 will be the regular Board meeting as they will be in Montrose next week.  
Al mentioned that a video tape will be made illustrating what the function of Community Corrections is and be available throughout the State for community awareness.

### ***Executive Session - URS Issue***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session; carried.  
A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

### **COUNTY BUSINESS - EMPLOYEE OF THE MONTH**

Marian Clayton, Administrative Secretary to the Clerk & Recorder was named the Employee of the Month.

### ***Discussion - Scheduling of Cattle Creek Crossing PUD Application***

Don DeFord asked that this be placed on the agenda to have a discussion with the Board. Given the pace of the application during the process, the Planning Commission may not complete the

hearings tonight. The Board is being asked to reschedule time on specific days for the Public Hearing in case there is a need, however, that will not be known until later tonight. Additionally, as the Planning Commission brings their meetings to an end, considerations, order of presentations, and limits of time allocated to the various presenters and public input need to be specifically outlined. May 12 and all day on May 13 has been scheduled on the Commissioner's Agenda. However, May 20 and 21 were set aside in case those dates and times were necessary. The Commissioners stated they wanted to place a three-minute limit on all public input. Don DeFord stated the applicant has been the one that is causing the delay in the Planning Commission hearings.

Eric stated the staff report was given to the Planning Commission in 46 minutes 45 seconds. Attorney Charlie Willman for Attorney Calvin Lee representing the Roaring Crystal Alliance said they could present in a one-hour time frame as well. He requested the Commissioners take public comment in the evening hours and preferably the first day of the hearings as the crowd was at capacity the first night of the Planning Commissioner and then tapered off thereafter.

Mark Chain, Planning Director of Carbondale seconded what Charlie Willman proposed and was eager to have a time-frame established in order for the public to know when they could expect to speak on the issues jointly addressed by Carbondale and the City of Glenwood Springs.

Walt Brown said he attended all the hearings and disagreed with the Planning Commission in suggesting to continue the Commissioners hearing of the Cattle Creek Crossing Public Hearing scheduled on May 12 because he called the tactics of the developer/applicant "a process that intended to wear down the Commission." He urged the Commissioners to enforce an expeditious process and apply this to both sides of the issues. He added that the 120 day rule should be honored and favored this matter being decided within the 120 day rule.

George Hanlon, the applicant, defended the length of their process commenting on delays imposed by the Planning Department saying the first meeting before the Planning Commission went beyond the 60 day time frame. Additionally most of the time was spent on the Comp Plan Amendment where there is no specificity as to how the process will be handled. When staff meetings were requested to discuss the Comp Plan Amendment, which he publicly stated and disagreed with feeling it wasn't necessary, they were told that the process was committed to by the applicant and they were to abide by it. There was a lot of information to try and get out as it related to a Comp Plan Amendment and most of the public comment was not on this rather on the project itself. At the present, they, as applicants, are in the PUD process and George said he expects to complete the presentation tonight. He also noted that at least some dialogue is being held. They received the review comments the Thursday before the Tuesday hearing. He felt this was the most convoluted process that he's ever been involved with in terms of expectation and trying to work out technical issues as it relates to the PUD before there is a Public Hearing. There was no effort on anyone's part to try and accomplish that and it makes it very hard to make a fair presentation. He assured the Commissioners that tonight at the Planning Commission the intent is not to filibuster but it is to try and get to the heart of the project and hopefully have some dialogue as it relates to his presentation. He was in agreement with clear definitions as related to what the process is going to be and if the Commissioners want to limit the time for them to make their presentation - he will.

Chairman Smith inquired as to the time frame George felt he could make a proper presentation. George Hanlon said they ought to be able to cover the presentation in 45 minutes to 1 hour for the entire project. In terms of discussion, that's up to the Board.

Commissioner McCown clarified if the Board sets a 1 hour constraint on the applicant and the staff presenting both sides of the case, would he feel comfortable?

Commissioner Martin added, and then the questions of the Board and comments from staff on top of that.

George Hanlon said yes he was comfortable with that.

John Schenk reiterated what George was saying, we can tell you about this project in one hour. We cannot necessarily respond to all the critiques to the project in one hour. He would see a process whereby as is typical staff makes a presentation, George makes a presentation of the elements and introduces the items, the Roaring Crystal Alliance makes their presentation and have its hour or the public, but then enough time will be necessary after all that for rebuttal of what has been said by the applicant.

Chairman Smith again said the Board needs to work with specific guidelines as it gets repetitious as it goes on. She stated that she very carefully did not watch any of this in order to go in fresh. Charlie Willman - Roaring Crystal Alliance has 19 people who will be giving up their time to be in attendance and provide input however, 1 hour should be ample time.

Chairman Smith asked Eric if those who spoke at the Planning Commission meeting had also written letters with their response.

Eric said about 1/3 of the comments were from individuals who had sent letters and also presented verbally.

Commissioner McCown commented that if the Board is going to pick a time frame, staff is comfortable with an hour, George is comfortable with an hour and Charlie's Citizen's Alliance Group is comfortable with an hour. I think that is fair and what I would ask is that the people in your Alliance, if the spokesman be it you or Calvin or whoever, that you are speaking to represent them therefore just to expedite things would you please ask them not to sign up again on the list and come before us as individuals to merely repeat what you've said. He went on to say that he was not trying to impede anyone's right to speak to this body, but he was interested in cutting down on the repetitive nature of the information given to the Commissioners.

Mark Bean said the Board may want to allow the City of Glenwood Springs and the City of Carbondale a little more than 3 minutes for their comments and study results.

Chairman Smith suggested that a brief agenda with time frames on it be drafted so the public would know when they wanted or could attend and give public input.

The agenda for Tuesday, May 12:

Staff - 1 hour

(1:00 P.M. - 5:00 P.M.)

Applicant - 1 hour

Referral Agencies - 1 hour

Roaring Crystal Alliance - 1 hour

Charlie Willman requested the Board take public comment on Tuesday, May 12 in the evening in order for the public to be able to attend without taking time off from work.

The Board discussed this request and determined that they would hold the Public Hearing from 1 - 5 on Tuesday, May 12, break for dinner from 5 - 6 and take public comment from 6 - 8.

The Board would then resume on Wednesday, May 13 at 9:00 A.M.

Alternate days of May 20 and 21 were established in case the Planning and Zoning process was not complete tonight.

## **DEPARTMENT HEADS**

### ***Weed Management***

#### ***Baregrounding***

Gary Janicek reported on bare grounding of 55 acres or 60 road miles.

#### ***I-70 Grant for Mapping***

He also stated the grant for I-70 mapping did materialize; now it is finding someone to do it.

#### ***Union Pacific - Grant - East/West Line Noxious Weed Control***

He also received a confirmation to perform noxious weed control work on Union Pacific property up to \$7,500 on the East/West line with the stipulation that this will be coordinated and authorized between the County Weed Departments and the Railroad.

#### ***Ride on the Rail - Future Proposal - Weed Spraying***

Gary said he met with the Glenwood branch on April 28 and Steve Anthony from Pitkin County. They took a very interesting ride on the rail and went over their weed problems. Gary gave them some cost estimates on control of what they have and a total right of way control taking care of all the weeds on the right of way which is an average of 100 feet from Glenwood to Aspen. The estimate came to around \$67,000. The other was for a \$27,000 proposal for a 10 - 15 foot strip on each side of the rail to start with and Gary said he felt they would likely look closer at that but he wasn't sure how much they would have to put forth this year.

*Glenwood District - BLM Contract - Vegetation Management*

Gary submitted the Bureau of Land Management contract for Garfield County including site locations and species to be treated. He requested signature of the Chair on the document.

Chairman Smith commented that the County submits invoices that must include the type and amount of herbicide used, area, acreage treated, and dates of treatment.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the agreement with BLM - Glenwood District for \$2,465; carried.

*Unocal/Barrett/Puckett Land Company*

Gary said he received a call from Puckett Land Company/Unocal and Barrett wanting a meeting with Gary for Weed ID and health precautions on spraying. This is just to inform the Board. He added he was going to have Pat McCarty go with him.

***Update on Comprehensive Plan Process***

Victoria Giannola gave the Board an update stating she met with the residents in western end of the County last week. This was the second round of meetings and they were primarily dealing with concerns expressed during the first round of meetings. They talked about Transfer Development Rights (TDR) and Conservation Easement (CE). New Castle is happy with the two trusts having their residents turn to them for advice on establishing agricultural or open space easements and not interested in TDR's. Silt, Rifle and Parachute are interested in TDR's and asked that she and Rob set up a sample model including sending and receiving areas, administrative, time and costs that residents can respond to something more tangible. They will be proceeding with designating future land use districts, a similar process to what was used prior to her employment with the County, in identifying constraints and presenting this to each of the three towns and the City in about two months. They will also have a model for Silt, Rifle and Parachute for a TDR potential program.

Commissioner Martin cautioned Victoria not to use a model without notifying the property owners that their property is being used as a demonstration for a TDR.

Victoria clarified that New Castle and Carbondale were comfortable with what they have in place and did not need any assistance from the County.

Chairman Smith mentioned the dedication of the ACE Library project in Silt on May 30 and some of the material that Victoria had might be considered for placement here as it would be good to have available for the public.

***American Farm Trust - Public Meeting - May 11 - 7 - 9 P.M.***

Mark mentioned the American Farm Trust will make a 2 hour presentation and the County is only offering the room and support in sending out the notice to Newspapers.

***Comp Plan - Issues and Concerns***

Mark mentioned that Victoria put together a paper on some of the issues that reared their head in terms of the programs that the Planning Commission and Building & Planning Department committed to as necessary to implement the Comprehensive Plan. It is a discussion paper only. Most of these will come back to the Commissioners in terms of budgetary concerns mainly if they are regulatory.

Victoria developed a check-list/time-frame on the issues and will keep track of it.

Mark wanted to set a date to discuss these issues and then have a joint meeting with the Planning Commission for a work session.

***Joint - Worksession***

A Joint Session with the Planning Commission and the Board of Commissioners was set for 5:00 P.M. - Wednesday, June 10th at 6:30 P.M. This will be an opportunity to prioritize the issues.

***Second Amended Plat - Chenoweth***

A motion was made to approve the Chair to sign the second amended plat for Chenoweth by Commissioner Martin and seconded by Commissioner McCown; carried.

***Mitchell Creek - Betz Amended Plat***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to sign the Betz Amended Plat; carried.

**PUBLIC HEARING: SPECIAL USE PERMIT - FLOODPLAIN LOCATED IN RIFLE VILLAGE SOUTH.  
APPLICANT: DOUGLAS BEHR**

Mark Bean, Don DeFord and Douglas Behr were present.

Don determined that notification and publication were adequate and timely and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark Bean presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; and Exhibit D - Project Information and Staff Comments.

Chairman Smith entered Exhibits A - D into the record.

This a Floodplain Special Use Permit to allow construction of a residential structure on a 36,300 sq. ft. parcel of land located approximately one (1) mile southwest of Rifle in the Rifle Village South Subdivision.

The applicant is proposing to place a manufactured house and garage within the Flood Fringe.

Recommendation:

Staff recommends APPROVAL of the Special Use Permit based on the following conditions:

That all representations of the applicant, either within the application or stated before the Board of County Commissioners, shall be considered conditions of approval.

The Special Use Permit shall be issued when all conditions are met, and shall expire 180 days after issuance unless the structure has been constructed. Extensions can be granted by the Board of County Commissioners.

The lowest floor of any habitable portion of any proposed structures are to be constructed one foot above the maximum water surface elevation of the 100-year flood event. Prior to final inspection, the applicant will submit a finished elevation certificate signed by a licensed surveyor, to ensure that all corners of the foundation are at least one (1) foot above the 100 - year flood event.

That all construction will also be consistent with the recommendations of Hepworth-Pawlak Geotechnical Inc., noted in their March 5, 1998 report. That the engineer verify that all excavation and foundation bearing strata were observed and that no changes were necessary, prior to the foundation being poured.

Chairman Smith strongly suggested to Douglas Behr that it was very important to follow the engineering excavation and foundation recommendations and requirements due to the soils in that particular area.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the Special Use Permit for Douglas Behr as contained in the Project Information and

Staff Report with all major issues and concerns, suggested findings and recommendations; carried.

### ***Gas Drilling Operation***

Mark said that Dennis Stranger, King Lloyd and Bob Szrot met to discuss the gas drilling operation. Dennis expected the report would not exceed 40 hours at \$75.00/hour and he would not exceed \$3,000 without further authorization of the Board.

Dennis will need the updated Chen and Associates information. He has a Task I which is basically to prepare a well-drilling operating scenario on calculated projected County residences. To prepare the net physical balances and impact mitigation strategy he will need to be provided expenditures associated with oil and gas drilling operating activities, especially Road and Bridge impacts. The specifics of the agreement of impacts on Road and Bridge needs additional discussion.

Commissioner McCown voiced a concern not to have two studies done. The technical information that Chen and Associates have available can be given to Dennis and he can make an analysis. Chen and Associates do not need to do a full-blown analysis and then Dennis do the same thing using their numbers.

Mark assured the Board this was not the case. The information from Chen and Associates will not be available for a couple of months, but Dennis can complete the first portion of his Task I within the next month, but without the numbers to plug in he will not be able to finish. A delay for the completed report from Dennis was determined not to be a problem.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to have the Chair authorized to sign the Agreement with Dennis Stranger not to exceed \$3,000 pending the County Attorney's approval; carried.

### ***EIS/Oil and Gas - BLM***

Chairman Smith said that Mike Mottice called and said the update on the EIS/Oil and Gas would be available for comment the middle of this week. King has been notified. BLM will take comment from agencies prior to putting it out to the public for comment which lasts for a period of 30 days.

### ***Sierra Pinon Subdivision***

Mark Bean said he had previously provided the Board information obtained from Barton Porter as to the roads being complete in the Sierra Pinon Subdivision. There is some disagreement from a resident who has a difference of opinion. Carol Kiperol said she was advised the subdivision would have a road that is wide enough to drive her car on.

Chairman Smith reiterated her concern that the Board was very pointed about having the roads wide enough for emergency vehicles to access the residences. She asked for the Conditions of Approval in order to review exactly how the roads were addressed.

Mark said with Bob Szrot on board with the County now to go out and assess these conditions would be very beneficial.

Don DeFord said historically in the past we have relied on the engineering firms reports.

Commissioner McCown said there was no recourse on the creditability and professionalism of these Physical Engineers signing off on these conditions and they are in fact not happening.

Don clarified that some engineering firms will give the County a full certification stamp clearly with the language the Board is looking for and others will refuse to do that.

The Board instructed Mark to implement the specific engineering certification as a standard condition of approval.

### ***Taughenbaugh Estate***

Mark gave a heads up on the Taughenbaugh Estate just above the Stuver property regarding exemptions. There is a divorce settlement involved and Ms. Tassada would be taking the last

exemption for this piece of property. Only one parcel qualifies for exemption under the present regulations. Mark indicated the Board may want to consider changes in the regulations in regard to events like this one.

***Charles Ryden - Full Year Extension***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize a one year extension for Ryden until September 2, 1998.

***Interim - Animal Carcasses - Landfill***

Chairman Smith stated to keep an eye on the legislative section next session and advise Russell George if there is a problem.

***C-DOT - Planning Regional Workshop - May 18***

This workshop was announced.

***Town of New Castle - Waiver of County Roads***

Mark said New Castle has requested a waiver of County Roads due to the annexation of Faye Faas property for completion of the Castle Valley Boulevard. Mark said in looking at the map there didn't seem to be any County Roads affected.

Chairman Smith wanted to make sure this didn't include the Cemetery Road.

Mark stated the Town of New Castle was looking for a letter supporting the annexation and he would indicate that as long as the Town annexed all public roads included within or adjoining the area, the County has no objections.

***SUP Application - Complaint***

Mark said that Frank Frazer and Skip Lloyd have been utilizing an agricultural facility quasi commercial activity and have been directed to come in for a SUP permit. Some commitments have been made with the High School Rodeo Association for this Saturday and for 4-H Clubs for Jim Cannon on Sunday.

Mark explained that his department was made aware they were out of compliance and Mark had a number of conversation with Mr. Frazer's wife last year about this issue. It came to the point that Mark said he put things in writing. His understanding was that this was going to be a private arena and they would have friends over and do roping, etc. This was not a problem. However, when fliers and brochures were going out and the department began to see that this was developing into an agricultural related business, Mark suggested a SUP to deal with it. It doesn't really fall under the "riding stable" discussions and revisions a year ago when it was made a SUP. Mark added this could fall under the agricultural related business.

Mark asked for direction from the Board. Notice has been given for Mr. Frazer/Mr. Lloyd to submit either an application or discontinue activities within 30 days of receiving the notice of violation.

Don DeFord said if he's in violation, he's in violation. Jim had mentioned this to Don and understood there was a cooperative effort with the building department. If there is a violation, the building and planning staff can't just say, it's okay to do it.

Mark said the reason Mr. Frazer came in was due to the letter that Jim and Steve sent stating these are the types of activities anticipated and believe there is a problem that needs to be resolved. At the conversation held with Mr. Frazer it was clear in Mark and Steve's mind that this was getting into what was more of an agricultural related business rather than pleasure under a use by right. Mark added that he is charging the use of his facilities.

***Referrals to Planning Commission***

*Aspen Glen Glub Villa - Eagle's Nest*

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer the PUD Text Amendment of Aspen Glen Club Villa - Eagle's Nest changing parking spaces from 4 to 2; carried.

*Ranch Creek PUD Text Admendment*

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer the Ranch Creek PUD Text Amendment to the Planning Commission; carried.

***Proclamation of Nurse's Week***

Chairman Smith read into the record the honorary proclamation of Nurses' Week - May 4 - 8, 1998. "Whereas, Nurses have made significant contributions to the health status of Garfield County's citizens; and Whereas, Public Health Nurses provide care in client's homes, in clinics, in local health departments and in other sites through out the community; and Whereas, Public Health Nurses collaborate with the individual, family and community to identify environmental, social and personal health factors affecting health; and Whereas, Public Health Nurses provide education and preventive services; and Whereas, it is appropriate for Garfield County to recognize these professionals for their skills and specialized knowledge and for their contributions to the health of our people; Now therefore, I, Marian I. Smith, Chairman of the Board of County Commissioners, proclaim May 4 through May 8, 1998 as Nurses' Week in Garfield County.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the proclamation as read into the record; carried.

**LAND ACQUISITION DISCUSSION - U.S. FISH AND WILDLIFE**

No one was here for the discussion.

Recess until 1:00 P.M.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to recess until 1:00 P.M.; carried.

***Community Concert - Sunday - 2:00 P.M. Glenwood Springs High School - Free***

Reporter for the Sentinel - Heather McGregor announced the free community concert.

**ROAD AND BRIDGE DISCUSSION**

King Lloyd submitted his monthly weight reports for review and information for the Commissioners. He added that the report shows year to date as well as comparisons. Chairman Smith stated she had a complaint about Baxter Pass.

King said they would not go up there until they could get to the top of the Pass due to snowdrifts. He mentioned the run-off on Roan Creek resulting in a lost pipe on the upper end however it is not affecting residences. Brush Creek will need some repairs and Oak Meadows has a run-off problem on a roadside ditch.

***Executive Session - Communication - Incident over the Weekend***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session to discuss a concern King had in regard to an incident with Communications over the weekend; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of Executive Session; carried.

***Special Meeting - May 28 - 8 A.M. - Award Mamm Creek Project and Chip Seal/Sealcoating***

King requested a special meeting to make these awards. The date set was May 28 - 8:A.M.

***Mel Rey Road***

King has been in contact with Larry Thompson of the City of Glenwood Springs and County Engineer Bob Szrot has been involved as well. King mentioned that Sopris Engineering in Carbondale will do the drain study and Bob Szrot will working directly with them in developing

the plan to address the drainage problems on Mel Rey Road. The City, County and State will cooperate on the project. The State work will be to replace one of the pipes under the frontage road for the catch basins that goes out to the median. Larry Thompson has been in contact with the State and it looks like there is a plan that will work. Also, a pipe may need to be repaired on the service road. The median will become a retention basin. He added that tentatively paving will begin in late June/July; the West Glenwood Sanitation will replace their water main and all of their services but West Glenwood will be replacing their sewer as well. All of this will happen before the County gets involved.

#### ***Oil and Gas Road Updates***

King said he met with Dennis Stranger, Mark Bean and Bob Szrot last week to bring Bob up to date on the oil and gas road impacts. Maxim will be getting back to us with a finalized cost estimate on that proposal. King informed Bob on the various scenarios.

King requested permission to turn the testing and engineering proposals to Bob Szrot and let him take it from there. Bob is familiar with deflectometer testing.

Commissioner McCown reiterated that he wants to keep the bare bone statistics from Maxim and then let Dennis Stranger compile this into his report. He suggested to get the hard costs from Maxim and let Dennis use these figures.

King said that Bob has some ideas as well.

#### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Clay Attenbern 13098 - 204 Road and Jerry Galloway -211 Road, DeBeque, Colorado

Commissioner Martin informed the Board about the Roan Creek Road.

Clay Attenbern said basically, the roads are muddy, wash boarded, chuck holes and dust so bad when they are dry that a driver can't see the car in front of you. He added that the bus route goes one mile from his house. Snow removal is another concern. The school bus picks up 4 children in the upper end. It's a total of 6 - 8 miles of roads. Roads have been worse the last two years than he ever remembers.

Chairman Smith mentioned there are several roads that the County does not provide road maintenance.

Suggestions were made by the citizens to the Board to contract the work out to a DeBeque company or to hire a County employee to concentrate on that particular area's road problems. No decision or commitment was made by the Board of Commissioners; however Commissioner Martin will continue to meet with the residents in the area to discuss the issue in more detail.

#### **PUBLIC HEARING: SPECIAL USE PERMIT FOR A GUEST HOUSE LOCATED AT 0427 COUNTY ROAD 167. APPLICANTS: PAM AND SHANNON SWEENEY**

Mark Bean and Don DeFord, Pam and Shannon Sweeney were present.

Don determined that notification and publication were adequate and timely and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; and Exhibit D - Project Information and Staff Comments.

Chairman Smith entered Exhibits A - D into the record.

This is a Special Use Permit for a guest house located on County Road 167 approximately one mile south of Glenwood Springs on 1.78 acres.

The applicants are requesting a SUP for a guest house.

#### ***Recommendation:***

APPROVAL, subject to the following conditions:

All proposals of the applicant shall be considered conditions of approval unless stated otherwise by the Board of County Commissioners.

The applicant shall have 180 days from the date of the Resolution of Conditional Approval to meet all conditions set forth in the Resolution.

The length of stay of a guest shall be limited to thirty (30) days unless said guests are the grandparents, parents, siblings or children of the occupants of the primary structure. The residence cannot be used for rental purposes.

The applicants shall obtain a building permit for the guest house in compliance with the building code requirements of the County.

Ken Kriz - 0483 167 Road spoke on upgrades to the road. He mentioned a Special Improvement District had been discussed in years past.

Shannon Sweeney stated the public road in not the school bus route.

Chairman Smith stated for the record that the County paid for the survey and engineering on the road proposed for the special district.

A motion was made to close the Public Hearing by Commissioner McCown and seconded by Commissioner Martin: carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve a Special Use Permit for a Guest House located at 0427 County Road 167 for Pam and Shannon Sweeney with all the major issues and concerns, suggested findings, and recommendations with the addition of 30 days annually added into Condition No. 3; carried.

#### ***Western Colorado Testing Group Inc.***

Eric asked Mark to present the proposal sheet before the Board. He said that Don was aware of the issue. This is the engineering firm who will be doing the testing in Rifle Village South. The firm has asked that Chairman Smith initialize the 3 - x'ed out sections in the "general conditions" and then sign the contract.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign and initial the 3 - x'ed out section; carried.

#### ***Glenwood Canyon Rock Slide - March 27, 1998***

Don presented a letter from Brian A. Ehrlich stating he had suffered damages or injuries connected with the Glenwood Canyon rock slide. First of all this is a State Highway and not for the County's maintenance and secondly, Counties are immune to liability under these types of circumstances. Therefore, we are not liable and will deny the claim accordingly.

Commissioner Martin said the Sheriff's office responded and suggested Don check with them.

#### ***Access to County Road 313 - Ramsey***

Don was in receipt of a letter from the Ramsey's stating they were not in agreement with the access to County Road 313.

Discussion and direction was to make sure King was aware.

The Board did not want Don to get involved.

#### ***Governmental Contact Person for Oil and Gas***

Guy Meyer has asked not to be the governmental contact person any longer.

Discussion was held.

It was decided by the Board to leave Guy Meyer in place until the new Assistant County Administrator was in place and perhaps delegate this responsibility to that person.

#### ***Approval of Minutes***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the Board of County Commissioner's Minutes for March 5, 1998; April 6, 1998 and April 16, 1998; carried.

## **PUBLIC MEETING: RANCH AT ROARING FORK SITE APPLICATION - SEWAGE EXPANSION**

Mark Bean, Bob Szrot, Don DeFord, Frank Hollowell, President of the Homeowner's Association and Dean Derosier of McLaughlin Water Engineers, Ltd. were present.

The application for site approval for construction of expansion of the Ranch at Roaring Fork Homeowners Association Inc. domestic wastewater treatment work (including treatment plants, sewers, and lift stations) over 2,000 GPD capacity was submitted for approval of the Board of County Commissioners.

Mark submitted a letter from Lee Leavenworth from the Mid-Valley Sanitation District since it was received after Mark did his staff report. He said this is a review of the Ranch at Roaring Fork Site Application for expansion of a sewage treatment works.

The Ranch at Roaring Fork Home Owners (R at RF) Association is proposing to upgrade an existing 50,000 gpd wastewater treatment facility, with a 100,000 gpd facility, at an estimated cost of \$680,000. The new facility is being designed to meet current water quality discharge standards and to accommodate additional development within the R at RF and some outside development.

Ranch Creek PUD, Pershanna and St. Finnbar are potential service areas. It is anticipated that the proposed upgrades will accommodate an additional 30 dwellings within the R at RF, 56 units in the Pershanna Ranch PUD and 20 units within the St. Finnbar Ranch subdivision. The proposal is to continue the existing management structure that is based upon the R at RF Homeowners Association rules and covenants from the control of the system and the incorporation of the new developments into the association.

Mark noted there is no 208 facility plan and referenced the meeting with the Colorado Department of Health and the input provided about water quality.

Mark suggested that the ownership of this facility should be under the control of a special district or some other legally formed entity other than the standard home owners association.

The facility is proposed to meet an ammonia standard of 10 - 15 mg/l and the State's projected standard is 1-5 mg/l. Mark added that if this is approved by the Board of Commissioners, the Ranch at Roaring Fork would need to send in and meet the water quality guidelines and standards as dictated. He also mentioned that this is in a floodplain and would need to ensure that the facility meets the requirements.

A letter Lee Leavenworth submitted indicates interest in having this facility.

Dean Derosier of McLaughlin Water Engineers, Ltd.- will be designing the sewage expansion. If the State were to lower some of the effluent standards, this plant will still need to be upgraded. They have addressed the floodplain recognizing it will be necessary to mitigate for that potential and they will do so accordingly with berms and old ponds removed to increase the area of water flow. He explained the mitigation efforts and remedies. They feel they can meet the design standards to handle all requirements.

Frank Hollowell - Ranch at Roaring Fork - Homeowners Association President - commented that flooding has not been a problem since he has been in the area. The Homeowner's Association has operated the area's wastewater treatment facilities for 25 years. The Association has certain authority as provided for by the State of Colorado; this authority includes the levying of assessments and collection of service fees. He also inquired as to the Comprehensive Plan and asked, what is the density for County Road 100?

Mark stated low density which includes one dwelling for 2 - 5 acres.

Frank said that Mid-Valley operates the facility for Ranch at Roaring Fork.

Mark mentioned that there is another application for St. Finnbar.

Tom Zancanella - St. Finnbar has an application setting on the State Health Department's desk.

The Cerise Ranch will be applying to the State as well. He stated St. Finnbar has not withdrawn their application.

Mark said the State is trying to consolidate and one possible condition is to put this on hold pending the State's discussions.

Cerise Ranch was considering tying into St. Finnbarr.

Commissioner Martin asked if this expansion was going to consider the Cerise Ranch development.

Dean Derosier said this expansion has not considered the Cerise Ranch. He didn't think there was enough property to expand the plant to accommodate the Cerise Ranch. Also, the more they expand, the more they get into the floodplain and creates other serious problems.

Commissioner Martin commented that their concern was having more than one system within that area - three of them the way this conversation is going.

Don said one advantage was a district which the staff has recommended before for this and then they would have to come through the Board with a service plan that would define their service area legally.

Dean explained what steps could be taken to enlarge the plant capacity.

The Board cautioned Dean that with the new State standards, the Colorado Department of Health may require this plant to declare phase I and phase II plans.

Don stated a special district would be the most expedient way to get this handled.

Mark stated what the Mid-Valley District Service Plan Amendment did was to take in the Dakota Meadows property, their service plan said this is as far West as they would go for this particular service plan. There has been some changes as to what they will have to accommodate in terms of additional development within their existing district including Crawford as well as the perimeters they have to meet in terms of the water quality standards. Their system may have some difficulty meeting these high standards being imposed by the Health Department. They may end up having to redesign their facility.

Mark - said what they would like to do, if he understands the proposal, is they would like create this umbrella management agency with multiple treatment facilities - one being their own existing in the valley area and the Ranch at Roaring Fork would be another treatment center they would manage. The Ranch at Roaring Fork and everyone in that area would be under the new Mid-Valley Metropolitan District Management perimeters.

Dave Leavenworth - representing Lee Leavenworth and their firm also represents Mid-Valley District. He wanted to clarify questions and concerns about Mid-Valley. The Mid-Valley Board, at its last meeting in April passed a Resolution asking the Leavenworth Firm to write the Board of Commissioners and address this issue to them. He paraphrased the Sanitation Board's concern saying that it is primarily a feeling that the development, whatever it is going to be that's going to occur between Ranch at Roaring Fork and Dakota, (the current boundary of the Mid-Valley District) is something the Mid-Valley Board believes should be done on a regional basis. They are in the process concerning applications as they are required to by statute under the Special District Act, concerning a petition from a Garfield County property owner at the Cerise Ranch to include their 300 acre ranch for purposes for services. The District does have future concerns - a potential ammonia concern that will be necessary to meet in the future; there are expansion problems; and the Mid-Valley Board has a real concern about pumping uphill. They have been talking with the Cerise's and the developers associated with them about construction of an additional plant. This will ultimately come back before the Board of Commissioners for a plant expansion approval. The Mid-Valley Board primarily wanted the Commissioners to be aware they were doing this as they consider the particular application before them today. Mid-Valley Board has indicated a willingness to take on more responsibility in terms of managing a water and sewer district in that area.

Chairman Smith asked if two districts could be merged?

Dave Leavenworth stated they could be merged but they can not overlap. He said he could be wrong, but it looks like the proposed service area went beyond the County Road 100. The Mid-

Valley District is currently thinking that were they to go ahead, they would expand to the edge of St. Finnarr and Pershanna Farms. The current location they are contemplating a second plant site would be on the Clifford Cerise Ranch just up the valley about 1/2 mile. The Mid-Valley Board has received input from the public for almost a year and nearly every month.

Conclusion:

The Planning Commission recommended Approval of the proposed site application with the following comments:

That the facility only be approved if it can meet all water quality standards for the Roaring Fork river.

That a special use permit for the facility be approved for the placement of the facility in the flood plain.

That the R at RF consider the formation of a special district for the purpose of management of the facility, but at a minimum the owners of property outside of the Ranch at Roaring Fork Homeowners Association need to have voting rights on the operation and maintenance of the sewage treatment facility.

Mark Bean said the Board has the authority to comment to the State with a response of either - recommended approval; recommended disapproval; or no comment.

Commissioner Martin would like to see a district formed.

Chairman Smith asked Frank about the Special District.

Frank Holloway stated the base rate is higher. The other thing was having another board and another election. He mentioned the Cerise development.

Mark has mentioned the tax rates and they will look into it.

Commissioner McCown asked, if they increase the base and usage, can the rates stay the same?

Don DeFord advised the Commissioners that they should recommend to the State the withdrawal for St. Finnarr and suggested the wording would be to add Condition No. 4 "recommend that they require withdrawal of the St. Finnarr Site approval so that the Board does not have multiple plants since they have already filed."

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve a site application with recommendation 1 - 4 as Don DeFord worded it and authorize the Chair to sign the application; carried.

#### *Board of Health - Motion*

A motion was made to go into the Board of Health by Commissioner Martin and Commissioner McCown; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the Ranch at Roaring Fork Site Application for Sewage Expansion; carried.

#### *Out of Board of Health*

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of the Board of Health; carried.

#### *Adjourn*

A motion was made by Commissioner Martin and seconded by Commissioner McCown to adjourn; carried.

Mark asked about the applications for Administrative Secretary for Administration stating there were three applications received in-house for the vacancy.

Chairman Smith commented she would prefer to discuss this in an Executive Session.

#### *Reconvene*

A motion was made to reconvene the meeting to go into an Executive Session by Commissioner McCown and seconded by Commissioner Martin; carried.

#### *Executive Session - Personnel*

A motion was made to go into an Executive Session by Commissioner McCown and seconded by Commissioner Martin to discuss a personnel issue; carried.

A motion as made to come out of Executive Session by Commissioner McCown and seconded by Commissioner Martin; carried.

***Adjourn***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to Recess until 9:00 A.M. Tuesday, May 5, 1998; carried.

Attest:

Chairman of the Board

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MAY 11, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 11, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were Interim County Administrator Dale Hancock and Mark Bean; and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Marian Smith called the meeting to order at 8:05 A.M.

**COUNTY ADMINISTRATOR**

Mark Bean and Dale Hancock, joint interim County Administrators gave the report.

*Courthouse Space*

Phil Vaughan from Construction Management and Chuck Brenner of Brenner Har submitted the initial review of the space in the Extension Office for the Assistant County Administrator and the County Engineer. They submitted a Design/Build Proposal for the Board's review. Phil explained the process which includes the schematic design and the cost to be presented after the details are worked out. The electric, heating, etc. was unknown until the schematic design is complete. Total \$3134 includes 2 1/2 to 3 weeks of construction time.

Next date set on the Agenda for Tuesday at 1:00 P.M. on May 12, 1998.

Commissioner McCown made a motion to approve a schematic and set up at meeting at 1:00 P.M. on May 12, 1998 to move forward on this. Commissioner Martin seconded; carried.

*County Jail - Phil Vaughan*

Phil offered his services on the jail issue and buildings if he can help. The Commissioners were interested in his helping. Phil's father has a steel building available but he wasn't sure of the size. Dale will work with Phil on showers, stalls, etc. and check out the size of the available building.

Commissioner McCown mentioned he would like to spend money on a building that could be used somewhere else when the current need was replaced by a new jail.

*Contracts - Human Services Contracts*

*Adult Literacy*

Commissioner McCown moved to authorize the Chair to sign the Adult Literacy Contract with Human Services. Commissioner Martin seconded; carried.

*Colorado Mental Health*

Mark mentioned the Colorado Mental Health Contract of \$2450.00 was still due and payable. He submitted the Contract for signature of the Chair.

*Mountain Valley Development Services; "Let's Work it Out - Garfield Youth Services" and "Asistencia Para Latinos"*

Mark submitted these contracts for signature of the Chair. These were previously approved by the Board.

*Assisted Living Contract*

Dale Hancock presented the Contracts with the Department of Local Affairs and the Assisted Living Program at Battlement Mesa. He commented that the Chair was previously authorized to sign.

***Contract - Tillie Fisher***

Discussion was held in regard to Ruth Harrison deciding to remain on staff at least through the summer. Commissioner McCown mentioned a contract had been established with Tillie Fisher for the replacement of this position and asked for Mark to follow up on the procedure to cancel.

***C-DOT Training Needs***

Chairman Smith commented that she will be able to attend this.

***Shell Oil***

Chairman Smith said she had received a call from Shell Oil who wanted to meet with the Board on Tuesday, May 12, 1998 to provide an update on their plans.

***Reconciliation of 1997 Budget Amendment***

Dale said there is a Resolution being prepared for the 1997 Budget Amendment.

***Airport Projects***

Commissioner McCown and Dale decided to sit down and go over the Airport Board Projects. Commissioner McCown said he would like the Airport Board to take over the daily operations and have the Board and management supply back-up support.

Commissioner Martin commented the Airport Board was going to organize and take over the management of the Airport.

***Executive Session - Personnel Issue - New Assistant County Administrator***

Barbara Ramirez presented a personnel recommendation.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

***Offer to Allen Sartin***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to make an offer to Allen Sartin for the Assistant County Administrator Position and see if he will accept \$42,500; carried.

***Contact - Letter of Agreement - Dennis Stranger - Oil and Gas***

Don presented a Letter of Agreement for signature of the Chair.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Letter of Agreement with Dennis Stranger regarding the Fiscal Analysis of Oil and Gas Well Drilling and Operations on Garfield County; carried.

**JAIL DISCUSSION**

Sheriff Tom Dalessandri, Dale Hancock, Al Maggard, and Don DeFord were present.

***Jail Count***

Total in Jail: 137. 44 main jail; 52 Work Release; 9 females; 14 other jails; 8 Home Detention; no Day Reporting; 10 Work Release; 1 State Hospital; of the 14 in other jails, 12 are DOC.

Tom stated the Workenders Program has been running 7 days now since late April and the comments are positive.

***Flower Beds - Weeding***

Commissioner Martin mentioned that Pat McCarty from Extension would like Master Gardeners to assist and use in-house inmates on this project to beautify the Courthouse.

***Motor Pool***

Tom mentioned in his budget he did not allow for Motor Pool, only for the vehicle purchases. To date the mileage cost for Motor Pool is \$2700. This is an issue to work out with the Board and he will need to do a Budget Amendment.

***Budget Amendments***

Commissioner Martin commented that he would like to handle Budget Amendments monthly versus waiting until the end of the year.

***Community Corrections***

Dale has not received any proposals on the temporary facility as yet but will keep checking for incoming faxes and keep the Board informed.

***Jail Advisory Board***

Al Maggard reported on the upcoming meeting in Montrose on Thursday, Friday and Saturday. They plan to tour the newly built Montrose Jail.

***URS Greiner - Site Development Costs Presentation***

Dale mentioned URS was on schedule for May 18th. Dale said the Hepworth-Pawlak soils test study on the western end of the Wulfshon may not be ready until the 15th.

***Transport Cost***

Tom said he didn't have any hard figures yet but they're working on it.

***UPL Site -Soils Study***

Commissioner Martin discussed the necessity for getting the soils samples; investigating the improvements of the use on the parking area; and the expenses associated with additional parking. The temporary jail and the two site locations on the UPL property were discussed. He would like to direct staff to go ahead and contract with whoever can do it the soonest to drill holes around the former Lift-Up House and extra house - building sites.

***Initial Attack Aircraft - Agreement for Wildfire Suppression Amendment I***

Don DeFord presented the Agreement Amendment I for signature of the Chair. He said he redrafted the amendment to the agreement after talking with the Sheriff about it. The original agreement provides as follows: "The County shall identify in the County, annual operating plan, the process by which the County will order aircraft, and who within the County has ordering authority." After talking to Tom about the existing operating plan, there was a lack of clarity given the change in status of the Communication Department to the Communications Authority. Before it was under the direction of the Sheriff and now it is not, therefore, to clarify this, Don added the following to that sentence: "Garfield County designates the Sheriff or his designee acting directly or through the Communications Center as the only authority authorized to order aircraft pursuant to this Agreement." The only other change in the original agreement was that they struck from it the provision that the State's 50% share will not be tallied until the aircraft reached the designated site in Colorado.

The Board agreed.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Amendment on Wildfire Suppression as so stated by Don; carried.

***RFRHA***

Commissioner Martin discussed the issue of rail banking saying the Board has until May 25 to file responses regarding an environmental assessment; general creation of RFRHA; and

authority zones. He submitted copies to the Board on the land use section and mentioned this does affect Garfield County.

A decision was made that the Board was not in favor of rail banking.

***Evaluation - RFRHA Director - Mr. Lloyd***

Commissioner Martin mentioned the Board was asked to do an evaluation. We, the Commissioners, do have a vote on the Comprehensive Plan and therefore some input into the evaluation may be appropriate.

Discussion.

Commissioner McCown did not feel comfortable in doing an evaluation as he had only met the man once.

***Approval of Minutes***

Commissioner Martin moved to approve the minutes of March 16, 1998. Commissioner McCown seconded; carried.

**COMMENTS FROM CITIZENS NOT ON THE AGENDA**

***Procedural Diagram of Special Surface Rules for High Density - Gene Park of Battlement Mesa - Grand Valley Citizens Association.***

Gene reported that he had a stroke and it reversed itself before any damage. This changed his priorities and his involvement with the Grand Valley Citizens Alliance was not as important. A meeting was held last Friday and this group wanted to recommend some ways the new local designee by the Board of Commissioners could assist them. He added that Guy Meyer has stated he no longer wanted to be this representative.

Gene said they would recommend to the Commissioners in regards to the local government designee, that the Commissioners appoint an unbiased person who would have the time to address and understand their problems and one who can deal with the industry. He also suggested to have this person be the eyes and ears for the Board of Commissioners. Also, there is a certain amount of rights a local government designee has and the person needs to know those rights. This would make it much smoother all the way through. Wants to get the County involved as much as possible.

Janie Hines - 3758 County Road - Vice President of the Grand Valley Citizens Alliance representing the citizens group presented a detailed summary and a flow chart showing the proposal rule and the process of presenting development plans of which they are hopeful of having the Oil and Gas Industry consider.

Janie spoke on the spacing application with the maximum to be 7 surface management plans between here in Glenwood and Battlement Mesa. They are asking that "above ground rules and procedures" be considered the same as the "below ground rules and procedures."

The rules being proposed were explained and they were asking the Board of Commissioners to read the rules and provide support for surface rule making input to the Citizens Alliance Group.

She added that on June 2 and 3 in Rifle is the continuation of the Oil and Gas Specific Rule Making. These meetings will be held in the Town Chambers; first day at 8:30 and is on rule making; and the second day, June 3 is for comment related to oil and gas development in Garfield County.

Gene Park added that June 1 the Oil and Gas Commissioners will be in the area and plan to take a field trip to inspect everything. He invited the Commissioners to be a part of the process.

Chairman Smith mentioned that she and Commissioner McCown would not be able to be involved due to other commitments.

Janie asked for a letter stating the Commissioner's interest in the rule making for the public hearing.

Chairman Smith stated she wasn't aware that the Oil and Gas Commission had extended the rule making. Some strong remarks were made in the Legislature on this process.

Janie said the public record was still open for comments and letters.

### ***Cattle Creek Crossing - Withdrawal***

Eric McCafferty said on Friday they received a letter from Sopris Development and wanted the Board to cancel the time on their agenda. Glenwood Land Company, co-applicants, also canceled.

Commissioner McCown moved to accept the withdrawal from Glenwood Land and Sopris Development. Commissioner Martin seconded the motion; carried.

### **COUNTY BUSINESS - BUILDING & PLANNING REPORT**

Mark Bean gave the report.

### ***County Engineer - Mamm Creek - CR 109***

Discussion was held on the County Engineer becoming actively involved and included in the review of the Mamm Creek Road and CR 109 Road.

### ***Rose Ranch***

Mark said the largest issue has previously been contracted with Wright Water Engineers and suggested to go forward the way it is.

The Board agreed.

### ***Monthly Reports***

Mark submitted the monthly reports showing the activity summary, permits and month/year to date by area numbers of single family homes.

Mark explained that the format of his report has changed, however, a total of 107 permits have been processed this year and 62 in residential. The total valuation is greater than in past years again due to the larger homes in Aspen Glen.

Carbondale and Rifle has increased in building permits.

37 out of 61 were in New Castle to Parachute.

### ***Resolution - Zone District Text Amendment - Dale Eubanks***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the approval of a Zone District Text Amendment with Light Industrial Zone District for Dale Eubanks; carried.

### ***Trans Colorado Gas Company***

Mark presented a request and did receive a letter from the Attorney for the Colorado Gas Transmission Company. They did not truly say they have the authority to condemn nor do they say they are going to condemn necessarily. They have provided the County a copy of their authorization from the Federal Energy Regulatory Commission which does include a paragraph which basically says "any state and local permits are only allowed to deal with conditions of approval and they do not have the ability to deny an application." Essentially, this is the federal preemption language that's come out of court cases for years.

Mark stated that Bill Prather paid him a visit and is extremely upset with this company as he did allow them to come in and he thought they had agreed on a location; now they told him they were going to put it adjacent to his house.

Mark asked Don to speak to this issue regarding "previously over legal counsel's advice, the County has accepted a statement from an applicant that says 'as an oil and gas company they have the right to condemn and will be in the process of condemning a particular piece of

property if necessary to acquire their easement or right-of-way'." This is not a technical permission of the landowner and the actual ownership transferred to the oil and gas industry doesn't occur until the Court makes its order.

Don explained that he spoke to Attorney Terry Farina that represents the Trans Colorado folks. The regulations say that the owner(s) shall apply for the special use permit. The Board has not opted to change this provision. So until either the owner signs the application or we have a letter from the owner granting the gas company permission to use their property, then we don't have an application from the owner. This can not be interpreted any other way. Attorney Farina represented to Don that they did in fact have permission or actually easements from all the landowners save one in Garfield County and that was the Savage property.

Don suggested to Mr. Farina to go back and try to negotiate with Savage and then get back to him. In the meantime, Don said he received a communication that they intended to go forward using their federal preemption rights.

Mark asked if the Board want to set a Public Hearing. The other thing Mr. Prather advised Mark was that apparently the Savages have settled and do have an agreement. The application has been filed but the Building & Planning deemed it incomplete due to the Savages not having made it clear they had settled. This issue needs to come before the Board, however, the June agendas are pretty full.

Commissioner McCown indicated a Public Hearing could be held if all the landowners have signed off.

Mark said he will be give the Board an update next week.

### ***Barrett Oil - Evaporative Pit***

Mark submitted that this was concerning a dry pit just in the Parachute Creek area basically to take their process water to an evaporative pit. It's a complete application and is not extremely controversial.

The Board decided to set it for a hearing and by-pass the Planning Commission.

## **DEPARTMENT HEADS**

### ***Extension***

Carol McNeel

#### ***Fairbooks***

The Fairbook is coming along nicely, time wise. Real nice cover dedicated to Frank. Carol said she will provide these to the Board by July 1st.

#### ***Letter from CTL Thompson - Fairgrounds - Soils Tests - Donated***

Carol reported the driller will cost about \$700 to \$800 to cover the costs of 4 drill holes. The Board gave their approval previously.

#### ***Future Fairgrounds Project***

Lee, Pat, Bob and Carol will meet at the Fairgrounds on Wednesday afternoon to go over what we looked at and update Bob Szrot on the potential.

Commissioner McCown asked if Bob would write RFP?

Carol said they hope he will.

#### ***Master Gardener Program***

Pat is working on the beautification program for the Courthouse with Georgia and Garfield Youth Services for some annual labor.

#### ***Enrollments***

Carol said the cut off was last Friday and there were 350 enrolled. Sheep are the popular item.

#### ***Master Food Preserver Class in June - Canning***

Carol will be putting a flier at the grocery stores.

### ***County Engineer***

*Mel Rey Road*

Bob Szrot gave an update and asked for direction from the Board on any of the projects that he is getting involved in. He and King are working with the City of Glenwood Springs on redesigning Mel Rey Road to resolve some of the drainage issues. A surveyor has been hired to obtain a road profile points as to where the water flows.

One of the design concepts is the more severe sloping road and looking at an inverted crown where the water will go down the center of the road. There is enough slope for this and water will not be going into anyone's yard. They are also looking at debris flows and easy cleanup. Discussion was held.

#### *Airport*

There is water in the crawl space and Bob has been giving them advice and information on different de-watering potentials.

The Board was concerned about the water source saying it was a possible leak.

Bob will work with the airport to identify and isolate the water line.

#### *RFP - Ag Building*

Wednesday as Carol previously mentioned, Bob will meet with Extensions and Fairgrounds to discuss the Ag Building.

#### *ISDS - Los Amigos with Wright Water Engineering*

Bob suggested he could generally research on ISDS and their impact on the local environment and water quality. He would contract the Water Pollution Control Federation and other sources and start getting the information coming this way.

Mark added that the County by Statute does acknowledge what the State Regulations recommend for ISDS and the Board has the option. These regulations have not been mandated, but the Board does have the option if they choose to become more restrictive.

Chairman McCown added it seems like a huge project due to the geological diversities in Garfield County. Almost everyone will need to be site specific anyway.

Mark added he felt Bob was talking mainly about getting involved in the 208 Management Plan.

Bob said he has some premature thoughts of looking at what is done nationally with making effluent standards on an ISDS level. Has anyone done anything on drilling a monitoring core at the end of the leach field and then did they come in and check on effluent levels instead of drilling a well and waiting for 20 years to see the impact?

Don DeFord mentioned the State limits on home sites. If the Board implements them then the Board can regulate.

The Board agreed this would be fine for Bob to continue on a "time allowed basis."

#### *Transportation Committee - Meeting*

Mark provided Bob a copy of the letter.

Bob inquired if the Board wanted him to attend on May 20.

The Board stated they thought it would be a good idea.

#### ***Personnel***

Barbara Ramirez asked for a time to go over the Resumes for the County Administrator.

9:00 A.M. Wednesday, May 13 was set.

#### *Increasing Cherie hours to 32 hours*

Barbara asked if the Board had given anymore consideration to increasing Cherie's hours to 32. Discussion.

Commissioner Martin stated there was plenty to do in administration and would be willing.

Chairman Smith stated they should wait to see what happens on the contract with Tillie Fisher.

Barbara said there would probably be a fee for what they have done already and for the advertising. She asked Tillie to send her a rough draft of what the amount was going to be.

Commissioner McCown asked the number of hours Cherie is working presently.

Carol said she works 1 1/2 days for Extension and 1 1/2 days for Administration.

Commissioner Martin said with these two offices, she is running back and forth and Administration needs all the help they can get and delegate their work. There is plenty of work to be done.

Commissioner McCown said he would approve the 32 hours.

Commissioner Martin seconded that. I think it is necessary.

Chairman Smith called for the vote - motion carried.

More discussion was held.

Commissioner Martin suggested to table this issue.

Chairman Smith agreed to table it for now and work this out.

A motion was made by Commissioner Martin to table this issue and work with personnel and staff on the additional hours for this position.

Commissioner McCown seconded. Motion carried.

#### *Assistant County Administrator*

Barbara stated she talked to Mr. Sartin this morning and he will call us back tomorrow.

#### ***Emergency Management***

Dale Hancock and Guy Meyer were present.

Dale asked for an Executive Session to discuss the situations in the office of Community Corrections.

#### ***Personnel Issue and Legal Action - Executive Session (2) Issues - Enforcement SIA - Sierra Pinions Subdivision***

A motion was made to go into an Executive Session by Commissioner Martin and seconded by Commissioner McCown; carried.

A motion was made to come out of Executive Session by Commissioner Martin and seconded by Commissioner McCown; carried.

#### **RESET PUBLIC HEARING ADOPTION OF RESOLUTION CONCERNED WITH ADOPTION OF PERMITS AND FEES FOR USE OF COUNTY ROADS BY OVERSIZED VEHICLES AND CLOSURE OF COUNTY ROADS**

King Lloyd, Mark Bean, Dale Hancock and Don DeFord were present.

Discussion was held as to whether or not C-DOT was informed of this reset hearing.

Don stated that the statutory requirement specifically stated C-DOT had to be notified 30 days in advance.

A new date was set for July 6, 1998 - 2:00 P.M.

Don and King will meet and discuss who will notify the State.

#### ***Mamm Creek Road Design***

King and Bob Szrot will jointly participate in the Mamm Creek Road design work to try and stretch the road improvements further.

Commissioner McCown mentioned he still had a concern about not completing to the Jenkins cutoff.

Discussion was held as to delaying the award pending review.

King stated his concerns and suggested that Bob can still look over the project and perhaps Mike McBreen could submit an amendment to the contract prior to the bid openings.

A decision was made to have Bob Szrot look at the Mamm Creek Road and do an assessment on the design proposal especially the 6" of asphalt recommended.

The bids are opened on May 16 and a special meeting is set for - May 28 - 8:00 A.M. to award contracts.

Bob Szrot will look at the specifications and give input to the Board.

King voiced the concerns and again asked for an addendum.  
Bob agreed it would take him only a few days to review and provide King some feedback.  
The Board approved of this plan.

**PUBLIC MEETING: EXEMPTION FROM DEFINITION OF SUBDIVISION LOCATED APPROXIMATELY 2 MILES NORTHWEST OF SILT OFF OF COUNTY ROAD 227 - APPLICANTS: SCOTT AND SHONA HOFFMEISTER**

Mark Bean, Don DeFord and Scott and Shona Hoffmeister were present.

Don determined that notification and publication were adequate and timely and advised the Board they were entitled to proceed.

Mark said this is an exemption from the definition of subdivision for Scott and Shona Hoffmeister on a 5.0 acre tract of land located approximately 2 miles northwest of Silt off of CR 227.

The applicants proposed to create 2 parcels of 2.0 and 3.0 acres.

Mark said he failed to include the road impact fee as well as the school impact fee and mentioned these to the applicant stating they would be included in the conditions.

Scott Hoffmeister asked about the process.

Commissioner McCown stated that all of this had to be completed before final plat. A building permit is the next step after the plat is submitted.

Mark stated that part of the application is to get the well drilled and tested and the plat drawn up.

**Recommendation**

Staff recommends APPROVAL, with the following conditions of approval:

That all representations of the applicant, either within the application or stated at the meeting before the Board of county Commissioners, shall be considered conditions of approval. A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.

That the applicant shall submit \$200 in School Site Acquisition fees for the creation of the exemption parcel.

That the following plat notes shall appear on the Final Exemption Plat:

"Control of noxious weeds is the responsibility of the property owner."

"One (1) dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owners property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid burning stove as defied by C. R. S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"Soils information indicates that it may be necessary to have a licensed engineer design the individual sewage disposal system for the property."

"All residential construction will be consistent with the Colorado State Forest Service (CSFS) recommendations for construction of homes contained in the CSFS publications "Wildfire Protection in the Wildland/Urban Interface" and "Model Regulations for Protecting People and Homes in Subdivisions and Developments."

"The legal and adequate source of domestic water for lot \_\_\_\_\_, is a domestic, well No. \_\_\_\_\_, approved by the Colorado State Engineers Office, Division of Water Resources." That all recommendations contained in the February 1, 1998 letter of the Rifle Fire Protection District related to the posting of an address, road construction and construction materials, will be considered conditions of approval. Prior to the approval of an exemption plat, the applicant will demonstrate that the spring will meet the following:

- 1) That a four (4) hour pump test be performed on the well to be used;
- 2) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level:
- 3) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;
- 4) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;
- 5) An assumption of an average of not less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- 6) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates, dissolved solids and is determined to be "fit for human consumption."

A motion was made by Commissioner McCown to approve an exemption from the definition of subdivision for Scott and Shona Hoffmeister on a 5.0 acre tract of land as described in the project information and staff comments with all major issues and concerns, suggested findings, and recommendations 1 - 7 adding Condition No. 8 regarding "road and school impact fees." Commissioner Martin seconded the motion adding the "right to farm" plat note. Commissioner McCown agreed to the additional plat note. Motion carried.

#### ***Giomi Manor Subdivision***

Don presented the Amendments to the Protective Covenants dealing with the adjustment of lot lines "except that portions of Lot 1 may be added to adjacent lots by Plat Amendment, however, the remainder of Lot 1 shall not be less than 2.50 acres."

Mark acknowledged to the Board that in old subdivisions, the Board signs off on the Protective Covenants.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the First Amended Protective Covenants for the Giomi Minor Subdivision Exemption; carried.

#### **PUBLIC MEETING: EXEMPTION FROM DEFINITION OF SUBDIVISION - LOCATED APPROXIMATELY 2 MILES NORTHWEST OF SILT OFF OF COUNTY ROAD 227 - APPLICANT: SUSAN DALEY MEYERS**

Mark Bean, Don DeFord and Susan Daley Meyers were present.

Don DeFord determined that publication and notification were adequate and timely and advised the Commissioner they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark submitted the following Exhibits into the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and all attachments; Exhibit D - Project Information and Staff comments and Exhibit E - a copy of Mr. Myer's partially approved permit of the well permit signed off by Tamara Cunningham regarding "Replacement under Well Permit No. 144926"

Chairman Smith - Exhibits A - E will be admitted into the record.

Mark Bean presented that this is a Special Use Permit for an Accessory Dwelling Unit for Susan Daley Meyers on a 97.458 acre tract of land located approximately seven miles south of Silt along County Road 327.

The applicant proposes to develop the site with an Accessory Dwelling Unit (ADU), in addition to the existing principal residence. It is proposed to use the new dwelling for the applicant's mother.

Recommendation:

Staff recommends approval of this application, subject to the following conditions of approval: That all proposals of the applicant, made in the application and at the public hearing, shall be considered conditions of approval, unless specified otherwise by the Board of County Commissioners.

That the accessory dwelling unit shall adhere to all provisions of Section 5.03.021 of the Garfield County Zoning Resolution of 1978, as amended. Specifically, an approved well permit for the dwelling shall be received from the Colorado Division of Water Resources and a well pump test shall be performed demonstrating the following:

- 1) That a four (4) hour pump test be performed on the well to be used;
  - 2) A well completion report demonstrating the depth of the well, the characteristic of the aquifer and the static water level;
  - 3) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;
  - 4) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;
  - 5) An assumption of an average or not less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
  - 6) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates, dissolved solids and is deemed to be fit for human consumption.

That the accessory dwelling unit shall adhere to the following standards:

"One dog will be allowed for each residential unit on this lot, and the dog shall be required to be confined within the owner's property boundaries. Enforcement provisions shall be developed for allowing the removal of a dog from the area, as a final remedy in worst cases."

"No open hearth solid-fuel fireplaces will be allowed on this lot. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq. and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting shall be the minimum amount necessary and all exterior lighting shall be directed inward, towards the interior of the lot. Provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used within building envelopes in areas exceeding five (5) percent grade."

A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve a Special Use Permit for an Accessory Dwelling for Susan Daley Meyers as described in the project information and staff comments with all major issues and concerns, suggested findings, and recommendations adding the "right to farm." Carried.

## **ROAD AND BRIDGE DISCUSSION**

King Lloyd gave his report.

### ***Executive Session - Mamm Creek History***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session; carried.

King Lloyd, Bob Szrot and Don DeFord were in the Session.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of an Executive Session; carried.

King said in order to keep moving forward on this, he has given Bob the Geo-Technical Forensic Study done and the original CTL Thompson Soils report; the original construction drawings; and the bidder spread sheet.

Bob said he hasn't been on site but will be going out on Tuesday, May 12.

The plan that King and Bob formulated is this: Bob will review the documents and then as necessary get together with the design engineer Dean Gordon and they will try to have something to report to the Board on Monday, May 18, 1998.

### ***Projects and Funds***

King stated they did a final listing of projects and budgets and submitted a handout for the Board to review.

#### ***1998 Budget***

King listed the items as they appear on the line items in his budget for gravel, surfacing (chip seal/sealcoat), bridges (repair and maintenance), and County Road 109. All four are specifically listed under construction or maintenance in his budget. This totals \$3,909,966.00. From the Energy Impact Grant the County will receive approximately \$800,000. King analyzed the 1997 - 98 snow removal budget and based on averages they have tracked for about seven years, it looks like due to a mild winter, King will have \$100,000 that the Board can allocate elsewhere on the 1997 balance surplus; King said he also looked at the projected balance to begin the season with versus what they actually ended up with at the end of December. Because of some projects that were not finished due to weather and some revenues that came in higher than anticipated, King estimated another \$1,000,000 additionally in his fund balance.

In looking at the monthly balance sheets, King indicated there was \$5,733,491.00 dated 12/31/97 and he had anticipated about \$4,733,000.00. Barbara Brown didn't feel comfortable interpreting this sheet to King as there was an auditor in her office looking at other items. At any rate, Barbara said she did believe that King had this million dollars.

Dale stated sometimes things that should be charged back to 1997 do not occur until the first part of 1998, etc.

Additional discussion was held.

King relayed that before Chuck left he mentioned to King that the Energy Impact Grant would be approximately \$800,000 total.

Chairman Smith suggested that King contact Tim Sarmo to be sure about the amount.

If these figures are correct, King said this would give him a total to work with of \$1,900,000 on Mamm Creek.

The budgeted items, additional revenue items = \$5,809,966.00.

King said he had an itemized sheet of projects that have been budgeted for and acknowledged and this comes to a total of \$4,791,000. Subtracted that from the grand total and he has \$1,018,966.00 of additional moneys to work with. What doesn't appear on the project's list is chip seal/sealcoat and maintenance gravels - planned expenditures.

King explained his plan which included - funding chip seal/sealcoat and the maintenance gravel and other small incidental projects out of the \$1,018,966.00.

Chairman Smith commented to Dale that these would be budget amendments. Commissioner McCown said on the 1998 projects leaving the budgeted projects included, there is \$1,018,966.00 and on the projects sheets - \$1,020,000 over on Mamm Creek; \$18,000 over on Mel Rey; and \$500,000 on Aspen Glen. Then this has to come out of the \$1,018,966.00. There is not enough money to do all of these projects.

King said not counting the \$1,100,000 of fund balance we would be short, but approaching it from the total projects against the total amount of money, then we will end up with \$1,018,966.00 that we can put towards maintenance gravel, chip seal/sealcoat if this is what the Board would like to do.

Aspen Glen was budgeted \$1,800,000 and now it looks like it will be at \$2,300,000 and this does not include land acquisition.

King said he was trying to itemize all these items in order to make a determination as to where he was with chip seal/sealcoat and the gravel projects.

1997 - gravel totals were \$420,000 approximately. This year King has budgeted \$595,000.

1997 - construction was \$152,000 approximately. (This was over budget by \$25,000.)

#### ***Chip Seal/Sealcoat - Projects List***

King handed out the bid sheet for the chip seal/sealcoat for review of the Board.

*County Road 228A* - Ingersol Lane has been on the list for several years and King added it in this year.

#### ***Fog Seal***

The total estimated was \$461,213.00. Some of this will be reimbursed back to the County.

#### ***Projects - Cooperative Effort***

*County Road 335* - Cooperative project with the Town of New Castle and Garfield County who has a short portion just off of the interchange and then the Town goes all the way pass the feedlot. King and Steve Rippey discussed the necessity of preserving this road. It is severely cracked and King fears waiting another year would be detrimental to what is already there.

*County Road 103* - King said he was informed two meetings ago that unless he could do it all, not to do it at all.

Commissioner Martin said some of the Homeowners changed their minds and they do want it done.

King was approved to put this on the list for 1998.

*County Road 117* - 3/8" sealcoat. Robin Milyard and King have discussed the recent annexations and the lines have moved around somewhat. The pavement management program indicates it is time to do something on this road. The town's portion is showing more distress than the County's. King called Robin Milyard and discussed a cooperative effort, so this year they will sealcoat to the Sunlight Bridge to where the pavement ends at Mountain Valley Development.

*County Road 300B* - Spencer Parkway. King discussed this with Tom Beard at Battlement Mesa and Tom felt they could cooperate with the County on this project.

#### ***Road Tours***

A date set for the Road Tour was Friday, May 22, 1998 7:30 A.M. for Rifle to Roan Creek to Taughenbaugh; and Tuesday, June 30, 1998 8:00 A.M. for Glenwood Springs.

#### **PUBLIC HEARING: CONTINUED UPDATE ON BEAVER CREEK LOGGING SPECIAL USE PERMIT - APPLICANT: INTERMOUNTAIN RANCHES LLC**

Don DeFord, King Lloyd, Mark Bean, Bob Szrot, Chris Meyers, Randy Myer Chief Forester and Jim Smith Superintendent of Transportation were present.

Chairman Smith swore in the new speakers.

Mark provided an update saying when the logging special use permit was approved it included a condition of upgrading/improvements to the Beaver Creek Road. A lengthy discussion included the original applicants as well as Intermountain and the Oil and Gas Industry in trying to come to a solution to where there could be a sharing of expenses to benefit the citizens and the industries.

Chris said they have been busy all winter doing the mapping and various paper work - now it is time to get on the grounds. He submitted some literature on the guidelines and a pamphlet that Club 20 published on the decline of Aspen. He submitted the plan that was submitted to Rifle saying it was submitted under the time-frame required but it is presently under their review. Commissioner McCown inquired as the cooperation between this firm and Oil and Gas Industry?

Chris stated he is waiting on a document from them.

Chairman Smith indicated Rifle has a problem with some of their concerns on the watershed with Oil and Gas. This was with future drilling proposed, not the road.

Commissioner McCown mentioned the road has to be brought to the original standard agreed on at the Public Hearing for the original permit prior to any activity taking place.

Mark indicated this was one of the purposes of today's hearing.

Commissioner McCown said the road was twofold: Porcupine Road that will be brought up to the Forest Service standards for an all weather road; and then the re-construction/paving of County Road 320.

Mark read into the record the Conditions as follows: "Prior to issuance of the Special Use Permit, the Applicants submit engineering plans for the construction of inter visible turnouts on County Road 317 meeting the Forest Service standards on sizing and spacing and the improvements be constructed. Additionally, the applicants will be responsible for the acquisition of any additional right-of-way necessary for the placement of the turnouts without County's use of power and eminent domain. Any property sold prior will be dedicated to the County" and then No. 8 was "Prior to the issuance of a special use permit, the applicants shall pay for an overlay of at least 1 1/2" of asphalt overlay on County Road 320 from Taughenbaugh Avenue to the intersection of County Road 317 and 320 that is acceptable to the Board of County Commissioners. A road bond of \$100,000 will be placed with the Road and Bridge Department to be used for the repair of County Road 320 and/or 317 due to the damage attributable to the applicant's activities. The bond shall be for the time the applicant is actively logging on the property."

#### *Turnouts*

Chris said this was resolved when a survey was done showing the County has 18' of easement through there and there is not a necessity for acquirement of additional right-of-ways for the turnouts. All of those requirements were under the conditions of the gas people to complete under their terms with the Board. Until conditions warrant getting up there and looking at the situation with King, now that the snow is off of the new construction, there is not a whole lot that can be resolved.

King said the status of the inter visible turnouts at this point is that Wildhorse did construct all of these turnouts within the Corridor where their pipeline was to lay. They still need to go back in and do the turnouts above the corridor.

Discussion was held and King reminded them that overweight/oversize loads needed to be permitted and he would handle this via fax.

Mark suggested there may be a need to amend the application which would include going back to a new public hearing.

Chris stated they did want to amend the haul route. He explained in detail.

Chairman Smith commented that this was a continued public hearing and one of the Conditions is to have a review.

Mark read into the record. "A Special Use Permit is subject to review for compliance of performance requirements associated with the issuance of the permit, the applicant will be required to submit a report one year from the date of approval of the Resolution. The Board of County Commissioners will review the report and within 30 days of receipt of the report determine if a Public Meeting is necessary for suspension of the permit or the conditions of approval must be met before additional activities can occur on the property."

A motion was made to close the Public Hearing by Commissioner McCown and seconded by Commissioner Martin; carried.

Mark stated that the Board needs to make a finding of Resolution 97-70 Special Use Permit for natural resource extraction originally for Tucker-Frase Partnership subsequent owner Intermountain Ranches LLC. has met Condition No. 9 in terms of the annual review of the special use permit for Resolution 97-70.

Don added that the Board also needs to make a finding that Resolution 97-70 - Tucker-Frase/ Intermountain Ranches LLC. conditions haven't been met in the latter portion of Condition No. 9 specifically "that a Public Hearing is necessary to consider suspension of the permit or that conditions of approval must be met before additional activities can occur on the property."

Mark said they were not proposing additional activities at this point.

Commissioner McCown so moved regarding the Conditions and Commissioner Martin seconded; carried.

### ***Roofing Bids for the Library***

The bids for the roof at the Glenwood Springs and New Castle Library were presented for review of the Board.

The Board went over the bids and determined that Jaci Sphuler needed to get with Mike McBreen and present a formalized review of the bids.

These will be presented at the Continued meeting of the Commissioners on May 19, 1998.

### **PUBLIC HEARING: SPECIAL USE PERMIT FOR FABRICATION OF WOOD PRODUCTS AND FURNITURE - LOCATED 3 MILES NORTHWEST OF SILT ON COUNTY ROAD 259 - APPLICANT: DAVID SANTE**

This was canceled and Mark stated it has been moved to the June 8 meeting

### **PUBLIC HEARING: SPECIAL USE PERMIT FOR A SPRING WATER BOTTLING FACILITY LOCATED 5 MILES NORTHWEST OF NEW CASTLE ALONG COUNTY ROAD 243 - APPLICANT: LILLIAN REED**

Eric McCafferty, Don DeFord and Roy Reed were present.

Don DeFord determined that publication and notification were adequate and timely and advised the Commissioner they were entitled to proceed.

Chairman Smith swore in the speakers.

Eric submitted the following Exhibits into the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and all attachments; Exhibit D - Project Information and Staff comments and Exhibit E - Garfield County Zoning Resolution. Chairman Smith - Exhibits A - E will be admitted into the record.

This is a Special Use Permit for a spring water bottling facility for Lillian Reed, et. al. on 35 +/- acre tract of land located approximately five (5) miles north of New Castle.

The applicants are proposing the construction and operation of a spring water bottling facility that would occupy portions of the southern corner of the subject parcel.

This proposal was to be considered by the Planning Commission in June, 1997. Due to concerns for spring development, transportation of the product on County Roads, structural and aesthetic considerations, and neighbors concerns, the application was removed from the agenda. The application has since been amended, and is back for consideration.

Eric mentioned that his report included the comments the Planning Department received to this date. He added that some outstanding engineering concerns have been addressed by the objectors to this application. These concerns included the potential for injury to senior water rights and water supply, construction of the spring blocks, water quality, and lack of construction of the augmentation pond. Zoning concerns were also raised relative to this application. There is some argument that the bottling operation could be considered a commercial use of the property and allows the plant for processing natural resources in beverages which is "commercial general" classification. But Eric added that in his opinion since the zoning resolution changed their definition for beverage and referenced Webster's Dictionary that provides the following - "a liquid for drinking especially one that is not water;" it is clear that this application is being reviewed in the correct manner and is consistent with zoning.

The Planning Department received input from a variety of local landowners including Ralph and Connie Hubbell which states the applicants have addressed previous concerns, and the Hubbells withdrew any previous objections; also a letter from Charles Ryden stating concern for over-adjudication of Main Elk Creek and lack of water in a portion of the creek during the summer. A letter from Dave and Denise Doolen stating concern for commercial operations within a residential/agricultural area and go on to explain the use of some heavy equipment on their property, notes concerns for traffic and the County Road. A letter from Daniel and Tamara Moss who at that time state concerns for traffic, wildlife and water rights. A letter from Warren Wailes who opposes the project due to concerns for water rights, decreased property values, physical water supply and traffic. A letter from Brian and Linda Harris who state concerns related to traffic, financial viability of the project and potential increased impact on the rural lifestyle. And a follow-up letter from Daniel and Tamara Moss stating that after discussing the project with the Reeds and after review of the file in the Planning Department, they noted their concerns have been addressed.

In conclusion, Eric added that as long as this land use is operated consistent with approval conditions it would be an appropriate land use, although the application was reviewed as an industrial operation it does not constitute an industrial operation due to its very limited impact. If the definition of extraction were taken to the extreme it would seem that we would require a Special Use Permit for an ordinary household well.

***Recommendation:***

At its April 8, 1998 session, the Planning commission voted 6 - 0 to recommend APPROVAL of the application, for the proposed spring water bottling facility, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the hearing before the Planning Commission, shall be considered conditions of approval.

That the operator of the facility shall only divert water from the spring consistent with the findings and provisions of the court approved water augmentation plan, Case Number 96CW277.

The applicants/operator shall construct the augmentation pond in accordance with the augmentation plan.

That under this Special Use Permit, the operator shall not bottle more water than is allowed by the augmentation plan 96CW277. Any expansion of the facility or the bottling operation shall be considered under a separate Special Use Permit application.

The operator shall not transport more than 3 tons of packaged product, per trip and shall utilize a trailer, as approved by the County Road and Bridge supervisor.

The eastern side of the bottling facility and appurtenant structures, including the water evaporation pond, shall be landscaped with appropriate screening vegetation. Minimum

requirements are coniferous trees, with at least three (3) inch caliper, spaced on 50 foot centers.

The driveway intersection with County Road 243 shall be reconstructed and maintained to ensure the integrity of the pavement edge and shoulder.

All spring construction shall be consistent with standards set forth by Gamba and Associates, as contained within the application, and shall meet all applicable State of Colorado regulations.

Development at the spring shall include a weir or similar monitoring device, utilized to ensure compliance with the augmentation plan.

Public Comment was received by:

Jerome Gamba - 705 19th Street - Glenwood Springs, Colorado, consulting engineer. He stated this was a fairly simple operation and extremely low impact. If you evaluate it, it would be a substantially lower impact than a single family home with a couple of teenage kids in it. These people are trying to create a small economic enterprise and can't think of anything that would be less of an impact on the environment than this type of an operation.

Commissioner McCown asked if there would need to be any additional treatment of this water after it comes out of the spring.

Jerome Gamba said it might need, just for safety purposes, some type of disinfecting but it would be in the form of ozonation which is not legal residual. The bottled water users don't like chlorination. There may be some sort of a requirement because of the proximity of the surface of the earth out there with the spring that someone may feel that it might be necessary, even though there is no fecal matter at all in the water, there may be a concern that some filtration be required for the standard giardia and those kinds of things.

Chairman Smith asked if this was licensed by the Department of Health and they do periodic inspections?

Roy Reed - 111 North 7th in New Castle, said there has to be daily tests for any contamination and then weekly tests and a yearly test that tests everything.

Commissioner Martin mentioned that there was a Beaver Pond on this property and he wondered how much wildlife, fish, and aquatic life is in the spring area.

Roy Reed stated they will not be tapping the pond. The source water is from the spring.

Commissioner McCown asked since they are selling this product to the public and it is a water product, does the spring have to be classified as a community water source?

Roy Reed - it is not a community water source, but it gets the testing similar to a community water source.

Commissioner McCown commented that on a community water source you have to identify any possible contaminants be it surface or underground within a 2 1/2 mile radius. It also requires a Class A Operator license by the State to even operate the water source. He said he didn't read anything in the packet that pertained to these.

Roy Reed said they haven't gotten the license from the State yet because you have to get a permit in order to proceed with the license.

Eric McCafferty said he has talked to staff engineers and others when developing the staff packet.

Roy Reed - he has talked to Clark Wilson, State Inspector and he is the one all the information is submitted to.

Dave Doolen - had 3 questions - 1) will it change the zoning?; 2) if approved what happens in 5 years when they decide to upgrade it?; and 3) on down line water rights - who will police the water and how it's going to be monitored?

Commissioner Martin said his plan was to divert water from the spring only when their water right is in priority; and there is a need to build an augmentation pond in order to divert water out of priority.

Billie Birchfield - the agency that is responsible for the administration of the water rights and maintaining the priority is the Division of Water Resources. And through their administration they curtail if there is a calling senior right. The water augmentation plan that has been devised for this operation provides for storage in the early spring run-off when all the water rights are in priority and then later in the season as it gets dry and the creeks aren't flowing as much. When senior water rights are calling then the water augmentation plan provides for how much and the timing for releases to be made from the augmentation plan in order to keep the senior water holders whole. The case in the augmentation plan contains a chart with a specified amount of water that has to be released and the times on these releases. The Division of Water Resources in the Water Court has looked at issues of injury to vested senior water rights and they did recommend approval of the plan and did not find that there would be injury in fact. As far as Mr. Doolen asked, one condition of approval is if they do ask to enlarge, they have to come back before the Planning Commission.

Eric - the property is A/A/RD with special uses which allows for extraction of natural resources based on the application. The interpretation of extraction does compile and does not require a rezoning which is required for a special use permit.

Dave - no problem with the extraction but asked if this sets a precedent since there is no other commercial operation within 10 miles or so of this area?

Commissioner McCown - whether it sets a precedent or not, that right is there now for the extraction, for example of a gravel pit that goes hand in hand with the zoning. The right is there now and this will not set a precedent.

Roy Reed explained that the purpose of the augmentation plan and pond is to release as much water as they take out back into the channel so there will be no way they could be shut down except for their pond to run dry.

Warren Wailes, 3132 County Road 243 said the spring actually never goes dry and he didn't have any idea of how much water comes down the stream. It's an underground spring. The first of August however, they have to scrap the irrigation water to get it where they want it to go.

Chairman Smith asked about a measuring device.

Roy Reed said they will have a meter in the plant and a monitoring device.

Billie Birchfield said she contacted the Water Commissioner and adequate measuring devices are required for both the diversion and the release under the augmentation plan.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

Commissioner McCown made a motion to approve the Special Use Permit for spring water bottling facility for Lillian Reed, et. al. with Conditions of Approval from the Planning Commission with one additional condition being No. 10 - "the applicant return in 6 months after beginning operation and then again in one year for review by this Board.

Chairman Smith asked Eric, since this is all bottled and taken away, did we have anything in here regarding no signage.

Roy Reed said they do not plan to have signage.

It was added as a condition - no signs.

Eric asked regarding the review in Commissioner McCown's motion, was there anything specific the applicant could bring in such as permitting from the State.

Commissioner McCown said he would like production of the number of gallons in a month to establish a parameter for what's going on and it would give the neighbors a change to come back in if there were 8 trucks instead of 3 the Commissioner will hear about it; and

Chairman Smith added to bring in the most current tests.

Commissioner Martin seconded the motion; carried.

**PUBLIC HEARING: SPECIAL USE PERMIT FOR FLOOD PLAIN - LOCATED IN RIFLE VILLAGE SOUTH - APPLICANT: DONALD AND CAROL KENNEDY**

Mark Bean, Don DeFord and Donald and Carol Kennedy were present.

Don DeFord determined that publication and notification were adequate and timely and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark submitted the following Exhibits into the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and all attachments; and Exhibit D - Project Information and Staff comments.

Chairman Smith - Exhibits A - D will be admitted into the record.

This is a floodplain special use permit to allow construction of a residential structure for Donald and Carol Kennedy on a 14,100 sq. ft. parcel of land located approximately one mile southwest of Rifle in the Rifle Village South subdivision. The applicant is proposing to place a house and garage within the Flood Fringe.

Recommendation:

Staff recommends APPROVAL of the Special Use Permit based on the following conditions:

That all representations of the applicant, either within the application or stated before the Board of County Commissioners, shall be considered conditions of approval.

The Special Use Permit shall be issued when all conditions are met, and shall expire 180 days after issuance unless the structure has been constructed. Extensions can be granted by the Board of County Commissioners.

The lowest floor of any habitable portion of any proposed structures are to be constructed one foot above the maximum water surface elevation certificate signed by a licensed surveyor, to ensure that all corners of the foundation are at least one (1) foot above the 100 year flood event.

That all construction will also be consistent with the recommendations of Hepworth-Pawlak Geotechnical Inc., noted in their March 31, 1998 report. That the engineer verify that all excavation and foundation bearing strata were observed and that no changes were necessary, prior to the foundation being poured.

Chairman Smith mentioned for the applicants to follow closely the engineering recommendations as these soils in the area have a tendency to settle.

A motion was made to close the Public Hearing by Commissioner McCown and seconded by Commissioner Martin; carried.

Commissioner Martin made a motion to approve the Special Use Permit to allow the construction of residential structure in the Rifle Village South Subdivision for Donald and Carol Kennedy with all major concerns, suggested findings, and recommendations in the project description and staff report. Commissioner McCown seconded; carried.

**PUBLIC HEARING: SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT LOCATED AT 5333 COUNTY ROAD 100 - APPLICANTS: LISA KRUIDENIER**

Mark Bean, Don DeFord and Ronald Charles Robertson, Architect representing the applicants were present.

Don DeFord determined that publication and notification were adequate and timely and advised the Commissioner they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark Bean submitted the following Exhibits into the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and all attachments; Exhibit D - Project Information and Staff comments and Exhibit E - a letter authorizing Mr. Robinson to represent her in this hearing.

Chairman Smith - Exhibits A - E will be admitted into the record.

This is a Special Use Permit for an Accessory Dwelling Unit for Lisa Kruidenier on a 35 acre parcel of land located approximately four miles northeast of Carbondale off of county Road 100. The applicants propose to build a new 5,000 sq. ft. house on the property and turn the existing 1200 sq. ft. apartment above the barn into an accessory dwelling.

Recommendation:

Staff recommends APPROVAL of the Special Use Permit based on the following conditions:

That all representations of the applicant, either within the application or stated before the

Board of county Commissioners, shall be considered conditions of approval.

The Special Use Permit shall be issued when all conditions are met, and shall expire 180 days after issuance unless the structure has been constructed. Extensions can be granted by the board of County Commissioners.

The lowest floor of any habitable portion of any proposed structures are to be constructed one foot above the maximum water surface elevation of the 100 - year flood event. Prior to final inspection, the applicant will submit a finished elevation certificate signed by a licensed surveyor, to ensure that all corners of the foundation are at least one (1) foot above the 100-year flood event.

That all construction will also be consistent with the recommendations of Hepworth-Pawlak Geotechnical Inc., noted in their March 31, 1998 report. That the engineer verify that all excavation and foundation bearing strata were observed and that no changes were necessary, prior to the foundation being poured.

Chairman Smith said she would like to add to No. 4. "No waste from the proposed dark room will be allowed to go into the ISDS."

Mark clarified that acetone and waste products from the dark room cannot be disposed through the ISDS system; it will destroy all the bugs that kill the sewage in the leach field.

A motion was made to close the public hearing by Commissioner McCown and seconded by Commissioner Martin; carried.

A motion was made to approve the Special Use Permit for an Accessory Dwelling was made by Commissioner McCown with the conditions suggested by the staff including the addition to condition no. 4 and correct to read "northeast;" Commissioner Martin seconded; carried.

***Farm Trust Presentation - Courthouse - 7:00 P.M.***

Mark reminded the Board that the Farm Trust presentation was tonight at the Courthouse at 7:00 P.M.

Recess until May 12, 1998 at 1:00 P.M.

Attest:

Chairman of the Board

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MAY 12, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The CONTINUED meeting of the Board of County Commissioners began at 1:00 P.M. on Monday, May 11, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were Interim County Administrators Mark Bean and Dale Hancock and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 1:00 P.M.

***Location of Jail***

Dale Hancock submitted a rough draft of a letter to Judge Ossola in response to a meeting held on Monday with the Judge attended by Al Maggard and other members of the Jail Advisory Committee and Guy Meyers. Judge Ossola asked that he be represented before the Board with his comments. Al drafted the letter before the Board for their consideration.

The Board took the letter under advisement and asked Don DeFord to review.

***CTL Thompson Proposal***

A motion was made by Commissioner Martin to authorize the Chair to sign the letter to CTL Thompson proposal. Commissioner McCown seconded; carried.

**DISCUSSION - PHIL VAUGHAN - COURTHOUSE SPACE**

Dale Hancock, Chuck Brenner and Phil Vaughan were present.

Chuck Brenner and Phil Vaughan discussed the scope of work and looked at the available space in the Extension Office.

The Commissioners did a walk through of the Extension Office, Dale's Office, Mike's Office, the smoking room and the employee's lounge. Discussion was held and comment was made that Larimer County got rid of their smoking area both in and around the Courthouse.

Office space is needed for the County Engineer and the Assistant Administrator.

Another area of need is for a deep sink in the administrative area.

Phil and Chuck will get a proposal together and meet back with the Board at 12 noon on June 15.

**SHELL OIL**

Chairman Smith and Commissioner Martin spoke to Rick G. Hanson with Shell Continental Oil. They just dropped in to update the Board on their plans down by Piceance Creek in Rio Blanco County.

**ASSISTANT COUNTY ADMINISTRATOR**

Barbara Ramirez gave an update on Allen Sartin, applicant for the position, and the Board decided to offer the job.

**MAMM CREEK ROAD PROJECT**

Don DeFord stated to the Board that he had spoken with Tim Sarmo, Division of Local Government on the Energy Impact Grant, and a letter addressing the matching funds need to be drafted for the Chair's signature.

Bob Szrot will check out the road.

Dale was directed to draft a letter for the Chair's signature.

Recess until 9:00 A.M. May 13, 1998.

Attest:

Chairman of the Board



**MAY 13, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The CONTINUED meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 11, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Clerk and Recorder Mildred Alsdorf was also present.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 9:00 A.M.

**SNYDER OIL - WAIVER - 7 DAY POSTING**

Chairman Smith stated that Joe Mazotti of Snyder Oil called administrative secretary Ruth Harrison and explained why they were requested a 7 day waiver of a posting period. They said the information sat in the Assessor's office for a period of about two weeks before expediting the maps/information to Snyder Oil; Mr. Mazotti had been out of town and not present to ensure the required time frame was met; Transition stages in the office resulted in some break down in office functions which resulted in the delinquent time frame; Mr. Mazotti request that Ruth inform the Board that this is the first time this delinquency has occurred and he has not asked for a wavier prior to this incident - (which is true, per Chairman Smith); and Mr. Mazotti also wanted Ruth to inform the Board that he is trying to expedite this permit due to the fact that there are extensive fee charges involved each day the permit is not enforced. Apparently the oil rig is intact but not in use.

Chairman Smith asked for discussion and a public record.

Commissioner McCown said he did not understand how it could impact anybody or anything if the Board waives the period. And made a motion to waive the 7 day posting period in this incidence regarding Snyder Oil.

Commissioner Martin asked when did they file this application?

Chairman Smith said they filed it with the Oil and Gas Commission, they require that it be posted, it is not ours.

Commissioner Martin asked then if this Board can waive the requirement?

Chairman Smith said it is posted because the County, in rule making, requires that it be posted.

Commissioner Martin stated the surveyor didn't sign this until 5/11/98.

Chairman Smith reminded the Board there was a motion and asked for a second.

Commissioner Martin said he was debating and wanted to see how they filed. They didn't file their request until 5/5/98.

Chairman Smith said that was Mr. Mazotti's point, it was held up for two weeks. He had to have the surveyor's report prior to filing it.

Commissioner Martin wanted to make sure the property owners were notified. He seconded the motion, then. He just wanted to make sure the property owners didn't have any problems.

Discussion continued.

Commissioner McCown added that Snyder would need to have lease agreements in place with the property owners before they could proceed; and if it was the first oil drilling in this area he would be hesitant to go ahead.

Chairman Smith stated she would tell them that this Board is not setting a precedent in doing this and hope we don't have to do it again.

Vote - Smith - aye; McCown - aye; Smith - aye.

**ASSISTANT COUNTY ADMINISTRATOR**

Commissioner Martin made a motion to go ahead and extend the wage to \$47,500 capped at \$50,000.

Commissioner McCown asked what Classification I capped at?

Discussion included Classification I and J caps.

Barbara Ramirez reported on the current classification caps. Classification J minimum is \$3432 and the maximum is \$5139. Classification I caps at \$4671 - \$56,055.

Commissioner Martin asked where does this put this position within the range.

Barbara said between the 50% and 75% percentile.

Commissioner McCown seconded the motion.

Motion carried.

#### **LOCATION OF JAIL - LETTER FROM JUDGE**

Chairman Smith said she wanted a letter from the judge but one that only speaks to the facts.

Commissioner McCown said the judge will be out-of-town and therefore will not be verbally available to state his needs.

The Commissioners agreed that they did not want the Judge to be put in the middle, they only needed a clear understanding of his needs. Commissioner Martin said if this is the case, then he didn't have a problem asked for a letter.

Don DeFord said the Judge is very reluctant to get into the middle. It is a political making process and there are other elected officials involved in the process other than him that should be in this role. He will put in writing those things that he told Don. The Judge prefers that it stay a line of communication verbally between Don, the Judge, and the Board, but if it is necessary he will try to reduce it to writing.

Chairman Smith said it should be very generic and state what his needs entail; not his political standing on the issue.

Commissioner McCown mentioned again the absence during the time of the discussion of the location of the jail.

Don suggested some pointed questions to ask the Judge respond in writing were: this should include - Jail in Rifle, how will the Judge operate the District and County Courts operations in regard to transportation issues and facilities issues; or if the Jail was located at the Wulfshon Ranch Site within the City of Glenwood Springs, then how does the Judge envision the Courts transportation and facilities issues.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a letter to Judge Ossola requesting information on the operation and transportation needs of his Court on the two jail locations; carried.

#### ***Railroad Rail Banking***

Don DeFord mentioned for discussion the environmental report and requested a response be filed by May 15. Don mentioned some of the concerns. The overriding issue is the inconsistency of rail banking with both zoning and comprehensive plan issues. For the County, both are encompassed in that environmental and historical report. Particular noted was the property in Carbondale to light industrial use in anticipation of rail service.

Commissioner Martin indicated this is in direct conflict with what they said that we have had joint planning and that it does not interfere with local issues with Garfield County's rezoning.

One of the other large issues is that it is being presented that Garfield County is part of the RFRHA which we are not and we need to continue to say we are not a part of RFRHA. It is still being presented to Congress that Garfield County (all agencies are) and also says that all governments are traversed by the railroad - Aspen is not, Basalt is not, and Snowmass Village is not.

Chairman Smith was upset over the \$900,000 for Wingo Junction and creating more expense.

Commissioner Martin mentioned that there was no involvement in the lower valley. He added that all crossings in Garfield County will be affected by the trail easements and disturb the local planning and has a major impact on this. He said he would bring the letter back before the Board in draft form and will request to forward it to STBE (which is the Surface Transportation) but they call it SEE.

Other issues to address in the letter included that Garfield County does not support rail banking until the Comp Plan is done.

Don stated the issues that should be addressed are:

- we are a part of the Comprehensive Plan for the Corridor, we are not a part of RFRHA
- the County is traversed by this Corridor but not all of the members of RFRHA are;
- it is inconsistent with zoning actions the County and the County Comprehensive Plan;
- the questions about representation are a concern;
- agricultural impacts;
- noise as well;
- changing the rail corridor into a trail and what are the appropriate public uses of the trail - these haven't been identified.

Chairman Smith mentioned the trespassing issues.

Commissioner Martin added the safety of our crossings if it's turned into a trail.

Don summarized that these could be summed up that it shouldn't be rail banked until the Comprehensive Plan has been completed for the Corridor so we know what the plan is for this piece of ground. In order to meet their suggested time frame to file a response, Don added this would need to be done prior to the next regular meeting on Monday, May 18.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to sign a letter making response to the STB filing by Mr. Montane and the Roaring Fork Railroad Holding Authority; carried.

**Adjourn**

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn; carried.

Attest:

Chairman of the Board

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MAY 18, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, May 18, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were Interim County Administrator Dale Hancock and Mark Bean; and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Marian Smith called the meeting to order at 8:03 A.M.

**COUNTY ADMINISTRATOR**

Mark Bean and Dale Hancock, joint interim County Administrators gave the report. Mark submitted for the Chairs signature

***Human Services Contract - Colorado West Recovery***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Colorado West Recovery Contract and all others presented on May 11, 1998 not otherwise included in a motion; carried.

***Courthouse Space - Design Build - Vaughan***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the internal design build for the Courthouse Space Phase I for Phil Vaughan Construction Management Company; carried.

***County Road 109***

Discussion was held with respect to the Aspen Glen request to add an additional 3" to 4" of asphalt to County Road 109. The original specifications called for a 2" asphalt.

Mark Bean submitted that Aspen Glen is hopeful of putting asphalt down on May 26. Mark quoted that along Aspen Glen's portion alone, an additional inch of asphalt is \$63,672; 2" is another \$127,344 for a mile and one-half and then it's about another mile to a mile and one-half for the County. Doubling both of these numbers would give the full price to add the additional inches to the entire section of road.

The question that is before the Board is - does the Board want to pay the additional costs? Chairman Smith was under the impression that we were using engineered specifications and estimates from their firm.

Mark said we were, but the questions is do we "Load Restrict" versus adding another 1/4 million dollars to the project?

This was held over for Road and Bridge discussion at 1:00 P.M. today.

***Administration - Clerical Assistance***

Cheree Golden has agreed to work 40 hours per week. Discussion was held and the Board authorized this part-time position to be changed to a full-time position due to the extra staff coming on board in Administration. It was decided that Ruth would be the one to receive the work and then delegate it out to Cheree.

***Motion Rescinded - Position Changed to 32 Hours***

Commissioner McCown rescinded his motion made on May 11, 1998 for an increase in this clerical assistant position to 32 hours per week approval and granted it be changed to 40 hours per week. Commissioner Martin seconded the motion; carried.

***Vicki Campbell - Block Grant - Assisted Living***

Dale Hancock read into the record a request from Vicki Campbell a controller with Senior Housing Options on our Community Development Block Grant along with Battlement Mesa for the Assisted Living Project. What they would like is a letter to LeRoy Cruz, Director Department of Agricultural Rural Development Program in Lakewood stating "please consider this letter to be our formal written statement to you that the above referenced facility being developed by Battlement Mesa Residents, Inc. is not inconsistent with any development plans of the County of Garfield."

Vicki mentioned that she needs this to keep her paper trail intact.

Commissioner Martin so moved. Commissioner McCown seconded; carried.

#### ***Letter - Notification of Local Jurisdiction 1998 Low Income Tax Credit Program***

Chairman Smith said they sent this letter to Garfield County stating "it is consistent with development and preservation of the housing plan, for the proposed project is not viewed consistent with local housing needs and priorities, please explain why."

Discussion and it was concluded that this should be referred to the City of Rifle.

#### ***Leased Equipment***

Dale said he had discussed on Friday with Alan Matlosz the purposes of separating out the various 97 - 98 Road and Bridge equipment. In this discussion, Alan commented that it doesn't make any sense to only amortize something for three years and suggested 7 - 10 years to go in the multi-county proposal the Board is moving forward with. Alan further suggested that this is more oriented towards construction types of road projects.

Dale inquired of the Board's pleasure to put out an RFP for the lease of the 97-98 Road and Bridge equipment and give that to Mike McBreen to put out to bid.

Commissioner McCown stated the Board was looking at a 5 year lease and having this work into their budget.

Dale said Alan Matlosz has surveyed all the Counties and heard back from 20 of them trying to collaborate on this through CCI creating nonprofit corporation issue bonds involving all those counties for this kind of capital projects.

Dale was instructed to put this out on an RFP basis and for no less than 5 years.

Chairman McCown mentioned in the projected budget, \$300,000 a year was allocated to keep the fleet updated in Road and Bridge.

#### ***TV - Translator/Equipment KRMA***

Dale Hancock presented the KRMA contract for purchase of equipment for the Board to review. The total amount is \$16,500 with \$10,000 down payment and \$6,500 when they receive notification from the FCC that the licenses have been transferred to Rocky Mountain Public Broadcasting. This consists of four licenses, K49AH - Sunlight; K06LX - Lookout Mountain; K61BN - Anvil Points; and K12MH out of Carbondale. It will say KRMJ Channel 18 out of Grand Junction but it is actually Channel 6 out of Denver.

Another portion of this agreement is the site utilization lease which is standard in how Garfield County has rented sites today, where they would offer us \$275 a month for sightings on Sunlight, Lookout, Anvil Points and Carbondale.

Commissioner Martin made a motion to move ahead on the deal saying the licenses are not going to be used; therefore, to accept KRMA's offer. Commissioner McCown seconded; carried.

#### ***Energy Impact Change-Over***

Don DeFord explained the conversation he had with Tim Sarmo of the Division of Local Affairs. The document needs to be extended before the end of this month. This is the existing grant and if we intend to get the \$800,000 we need to propose to them contract changes that will include this so it will be forwarded to the Energy Impact Committee for approval. This ties the new grant into

the old. Tim has asked that the Board send a letter asking to extend beyond the May date to a period of time as long as the Board deemed necessary.

This letter should include that the County expects to spend dollar for dollar and Tim stated if that were the case, the \$800,000 would still be available. We also need to represent the kind of road and the length of the road. Don also cautioned the Board not to use Bob Szrot, our County Engineer as the design builder since he is our employee.

## **BILLS**

Mark presented the bills for the Board to review.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the bills as presented; carried.

### ***Hand Checks***

Discussion was held with respect to placing a \$500.00 limit on hand checks that Barbara Brown in Accounting could authorize; all others over this limit would have to go through Administration.

Commissioner McCown made a motion to set a limit of \$500 for hand checks without having to go through Administration. Commissioner Martin seconded; carried.

Chairman Smith stated she thought the memo should be pointed that hand checks are to be used strictly for something that has to have immediate payment and not be a standard procedure.

### ***Resolution - Liquor License Fee - Location Change***

Mildred Alsdorf suggested the \$500 location change fee on County charges on the Resolution 97-98 was excessive in this instance. Mildred suggested \$100 fee for the County and said there is also a \$100 fee for the State.

Commissioner Martin made a motion to authorize the Chair to sign an amended Resolution amending Resolution No. 97-98 for adopting fees and charges for issuance of liquor licenses. Commissioner McCown seconded; carried.

## **JAIL DISCUSSION**

Sheriff Tom Dalessandri, Dale Hancock, Don DeFord and Al Maggard were present.

### ***Jail Count***

Total 123; 36 main jail; 52 Work Release; 7 females; 12 other jails; 9 Home Detention; no Day Reporting; 6 Work Release; 1 State Hospital; and 8 DOC are of the 12 in other jails.

Tom added that he is using Eagle, Clear Creek, Rio Blanco and Adams County jails.

### ***Jail Advisory Board***

Al Maggard reported that the recent conference was good. They toured the Montrose Jail and learned a lot from the tour. They used the same Contractor as we had planned and built a 192 bed facility.

Al reported there is a 3 hour video that is being edited down to between 30 and 45 minutes that will be available to circulate showing the Community Corrections aspects.

September 8, 9, and 10 in Keystone is a very critical conference on Restorative Justice.

### ***Community Corrections***

Dale stated the Geotechnical Report by H-P Engineers was completed on the Wulfshon Property on Friday. URS will be prepared to have a phone conference later this afternoon to go over the preliminary findings.

### ***Phil Vaughan Construction Management***

Phil Vaughan of 1038 County Road 123 - Rifle stated that his father has a steel building 60 x 70. He submitted the floor plans and drawings to the Commissioners and inquired if they were

interested in him proceeding to put in a bid to use this as the temporary jail housing for the UPL site.

Discussion.

The Board indicated that Phil would need to submit a design proposal building to the County and enter the process with others who may submit similar proposal.

#### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

##### ***Mylar - Arbaney***

Elmer (Buckey) Arbaney submitted an exemption map and said prior to having a mylar completed he wanted to make sure whether or not the water supply piped at 5 gals per minute from his spring needed to be shown on the plat.

Mark Bean indicated that it couldn't hurt but it is normally recorded on the deed. Therefore, it was up to Buckey as to how he wanted to do it.

Buckey stated that he just wanted to reiterate that the jail still belongs on the UPL site.

##### ***Mud Flaps***

Buckey said that Russell George has started a bill for Legislation on mud flaps and didn't have time to get it through this past session. His bill would be that all vehicles have these. Buckey personally supports this and encouraged the Board to support the passage as well.

##### ***Linda O'Neal - Oil and Gas Drilling - Complaint***

Linda O'Neal - Parachute, formalized a complaint before the Board regarding a well being drilled very close to their home. She summarized that she smells the fumes which causes headaches and in addition the noise is distressing her animals. Mr. Bentley has the mineral rights on this land as well as hers. She referenced a recent explosion that upset her mare who is pregnant; mentioned the oil well was affecting the sale of her house; road damage has been documented; and she took photographs showing the Board the location of the well in relation to her house.

Chairman Smith noted the Oil and Gas Public Hearings to be held at City Hall in Rifle on June 2 and 3 and suggested that Linda would be able to submit her complaint directly to the Oil and Gas Commission. Chairman Smith suggested she go to this Public Hearing and express her concerns.

#### **COUNTY BUSINESS**

##### ***Extension***

Carol McNeel reported on the events upcoming for the Fair. They had 225 pigs and 100 lambs weighed in. In 4-H they have lots of new kids.

The scales worked fine and she will follow up on them.

##### ***Resolution - Lillian Reed - Special Use Permit***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a Spring Water Bottling Facility Special Use Permit for Lillian Reed; carried.

##### ***Master Gardener***

Pat McCarty reported that Garfield Youth Services weeded the flower beds at the Courthouse. Phase I is weeding and Phase II they will work with the shrubs.

Commissioner Martin referenced the security issues as well with the shrubs being so close to the Courthouse.

Pat mentioned they were considering removal and replacement of some of the shrubs.

Master Gardener Program requires 40 hours classroom instruction and 40 hours volunteered back to the system through Extension. He added they are working on obtaining College Credit for the class.

##### ***Fairgrounds***

Chairman Smith said she would like Pat to check into some low flowering shrubs to be placed outside the gate of the Fairgrounds and suggested Pat check with Tim Moore at Rifle on the potential watering source if they did plant.

#### **AMENDED PLAT: RIFLE VILLAGE SOUTH SUBDIVISION - LOTS 10 & 11, BLOCK 6**

Mark Bean presented the plats and mentioned these were erasing a line as others have in this subdivision. The lots are small and two lots are needed in order to have a building footprint. The Board approved these to be handled by Mark in his normal staff report versus putting on as an agenda item. The process was changed to an administrative function.

#### **DEPARTMENT HEADS**

##### *Personnel*

Barbara Ramirez requested an Executive Session to discuss personnel issues.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

#### **HUMAN SERVICES**

##### *STEVE CARCATERRA - INDIGENT AND HOMELESS AND JULIE OLSON - ADVOCATE SAFEHOUSE*

Deb Stewart, Chair of Human Services introduced Steve Carcaterra Director of Lift-Up and Julie Olson Director of Advocate Safehouse.

##### *Lift-Up*

Steve Carcaterra submitted a newsletter handout for the Commissioners and provided the Board a summary of services provided by Lift-Up.

##### *History of Lift-Up*

Jackie Allen was the Director of Lift-Up for 15 years actually since its inception in the oil shale bust back in 1982. Steve said he became the director in December 1997 after Jackie decided to move on to other things.

##### *Services provided by Lift-Up*

Steve went over the services provided referencing page four of the Newsletter that represented all of them and stated essentially he wanted to focus today that they provide these services to all folks in need. Some of the people in need are the working poor folks.

##### *Extended Soup Kitchen*

This has been in operation for about 3 1/2 years and they serve on the average of 4,000 meals a year. This is continuing to be a popular program not only with the clients but with the volunteers who assist in the program. Because of the effort made with those volunteering and contributing financially, no one has to go hungry in Glenwood Springs.

##### *Clothing*

Since Defiance Thrift Store opened in Glenwood, the Lift-Up operation has changed somewhat. Clothing is no longer handled in the Glenwood Office. This frees up the volunteers to do other things and they are not burdened with sorting through clothes, etc. The Defiance Thrift Store remains affiliated with Lift-Up but it is its own nonprofit and has their own Board of Directors and management; but the profits from the Thrift Store are divided between the Family Visitors and Lift-Up. When individuals give clothing to the Thrift Store, they are still helping Lift-Up. Clothing is still distributed in Rifle and Parachute.

##### *Food Banks*

These are available at all of the offices and manned by volunteers. Food Baskets for Thanksgiving were 574 and Christmas 863.

*Angel Tree* totally over 1500 gifts for kids.

*Emergency Shelter* is provided for those stranded. Steve said they have stringent guidelines, usually no more than one night and normally with families.

*Bus vouchers and gasoline vouchers* are provided on occasion in traveler needs.

*Administrative staff* 90.85% of every dollar that Lift-Up actually goes to programs. They are able to do this due to a very small administrative staff - 3 paid staff.

Chairman Smith remarked that this was an exceptional figure for non-profits as it is normally 18% to 20%.

*Colorado Coalition Grant* pays the salary for one of the staff. The grant ends later this year.

*Homeless and Indigent* are provided services and they do ask when a client comes into the Lift-Up office, where they are from, if they have a permanent address, and if not, a police check is made. If the police checks comes back okay, then they provide help and some services. Lift up is essentially the place to go of "last resort." This generates calls from individuals in desperate need. Steve is in the process of upgrading their emergency procedures anticipating having on-call individuals to handle emergencies. In part, some of this is created from the growth in the area. In summary, Steve said in his opinion more and more of their people are maybe a layoff and one medical illness away from needing Lift-Up services. The majority of the people in this County are the working class. And if one or two wage earners in the family were to lose their job through a layoff and for example, fortunate to have a month or two buffer; or take the average person who simply lives paycheck to paycheck and find themselves facing a layoff or a medical illness without health insurance - your talking about someone who is wiped out and this placing them in need of services provided by Lift-Up. Traditionally, we thought Lift-Up was for the down and out people but so many more people in our local population are vulnerable because of the economic realities.

### ***Advocate Safehouse***

Julie Olson, Director of Advocate Safehouse presented an overview of the services provided by her Agency stating their clients included victims of domestic violence, family violence and sexual assault. Oftentimes we think of indigent and most are not indigent but the families that come into the Safehouse, between 80 and 85% of them are indigent. This is probably due to the fact that others have the opportunity or the choice to go into a Safehouse versus using their own resources for something else. Most would choose to use their own resources to go somewhere else or to access family and friends. This is what she wanted to point out. Indigent isn't necessarily people that we don't know, it is people we know, children we know and the families that come into the Safehouse, when they have a job, we are amazed. But the folks that do not have a job usually don't have health insurance, transportation nor money for food. What happens then is they come to the Safehouse and need food, which the Safehouse provides. Within the first couple of weeks for whatever reason, (Julie interjected she believes it is due to their feeling safe), either the mom or the children become ill and then the Safehouse has to deal with this. Julie said she didn't like having to use their emergency room as a clinic. So they have made arrangements with a couple of medical professionals in the community to help with a discounted fee. She wanted to point out that indigence has a lot of different faces. They can be a two-week old baby; a six year old child; a 36 year woman or even a 50 year old woman who does not have children but maybe doesn't have the skills to hold a high-paying job but most can fill service jobs in the area. However, the lack of a car, or perhaps her front teeth have been missing for a while due to the abuse and therefore her self-esteem is very low and she prefers avoiding being out in the public. Julie added that trying to start over in an area such as this with nothing is very difficult.

The others who access their program include support groups or counseling for the women and/or children with some who may be indigent and some are not. This is difficult to focus on.

Julie asked if the Board had seen the letter requesting Support for a Transient Housing Program.

She added that transitional housing is the one that Lift-Up has been working with and opted not to take it on again. The Advocate Safehouse has opted to take it over, but it will be next May before

they get it. This would give the next continuum of care to the clients they work with. At the present time, they are in the Advocate Safehouse Program for 6 weeks, but they are still indigent and this additional program will give them the next step.

### *Lift-Up*

Steve Carcaterra mentioned the Salvation Army and provided an update. He spoke with Mike Gilsky who's the Outreach Coordinator for the entire State of Colorado and part of Wyoming for communities where there is not actually a presence of Salvation Army. For years in Glenwood Springs and Rifle, the Salvation Army has consisted of a phone number where individuals could call and state their need. Then the volunteer would call back and see if they could help them in some way. A lot of Salvation Army services overlap and are duplicative of what is done in Lift-Up in terms of utility assistance, food, and help for people who are becoming homeless by getting behind in rent checks and need a month to stay current in their house/rent. Due to this overlapping, Salvation Army is restructuring what they will be doing in Garfield County. Steve said he was meeting with a representative out of Denver and a group of local people in the County who are interested in Salvation Army services. The focus will be on how best to make Salvation Army services available in the County and possibly looking at collaborating with Lift-Up if it makes sense to see if Lift-Up can administer some of their resources they have available through the current network of office and structure in place.

The estimate of funds last year in Garfield County was \$10,000 worth of services provided through Salvation Army on top of what Lift-Up provides. Again, this was essentially divided equally between food, eviction prevention and utilities. There is an interfaith task force like Lift-Up in Eagle County called Vail Valley Cares - Jerry Milsaps, who does Salvation Army services and Vail Valley Cares collaborative. This is a model Steve is looking at to see if it can be implemented here in Garfield County.

Chairman Smith said she understood that all the Christmas Kettle donations stay in the County. Does this go to Salvation Army and is it part of the \$10,000 or is this part of donations made to Salvation Army?

Steve said if you get a direct mail appeal from Salvation Army and you fill it out and mail a check back to that address, it goes to Denver and is not used here in the County. Unless, like Jerry has done in the Vail area which was to contact some Salvation Army donors and said "make sure you send that check to Vail Valley Cares" even if you get a direct mail piece from headquarters. That way the funds can be used in Eagle County. Otherwise, the only other revenues are the Bell Ringing Kettles. The only Kettles are in Rifle and Glenwood. There are none in Parachute and a lot of potential is there if volunteers could be assembled to do some more fund raising. This will be explored at their meeting.

### *Homeless Shelter and Work of the Homeless Task Force*

Steve said a group has been trying for 6 - 8 months to meet and look at what options are there for folks who are in need of housing. Lift-Up, churches and police/sheriff see these people who have no place to go. The proposal of this task force is trying to look to see if there is an innovative way to provide some type of shelter services. It may be a rotating list of churches or a lot of things, but basically the homeless problem is getting to be significant enough that some are looking at trying to orchestrate a response.

There is a possibility that Catholic Charities, who does this nationwide and in Denver where they have a dozen shelters, has a man out here named Michael Wiesmer and could take it on. However, at this time they are trying to come up with a response to the concern that was addressed to Lift-Up.

Commissioner McCown clarified how they determine the value of the in-kind donations and what this included. The number Steve plugged into the Newsletter was \$180,000.

Steve clarified that this was food, clothing, furniture and anything that an individual or business gives to Lift-Up. It is valued and put under in-kind. This is a huge part of the Lift-Up overall

budget. When someone makes a donation of whatever, Lift-Up will write out a receipt, but they do not place a value on the donation. The individual or group that donates the goods is responsible to assign a value that will have to be justified to IRS, etc. Lift-Up values boxes of food as it goes out and this is how bookkeeping is handled.

On volunteer hours, Lift-Up keeps track of all the hours and a value of what someone would be paid per hour is assigned. Lift-Up values hours donated by volunteers at between \$7.00 to \$8.00 an hour.

Julie Olson said she needed to make a correction. The letter of support for the transitional housing program was for the capital expansion of the Safehouse and not transitional housing. She mentioned the request for the letter of support of transitional housing has not been given to the Commissioners just yet.

Steve mentioned some fund raising ideas for Lift-Up in addition to Cookbook Sales that included Bike-A-Thons that would appeal to the younger folks and he also said he has some ideas to share with trying to get new businesses on board as well.

Steve mentioned that Lift-Up in Glenwood Springs no longer carries clothing. Instead, Defiance behind True Value handles the clothing. That phone number is 945-0234.

### **SOCIAL SERVICES**

A motion to go into the Board of Social Services was made by Commissioner Martin and seconded by Commissioner McCown; carried.

Commissioner Martin moved to come out of the Board of Social Services. Commissioner McCown seconded; carried.

### **ROAD AND BRIDGE DISCUSSION**

Don DeFord, Mark Bean, Dale Hancock, King Lloyd, Mike McBreen, Bob Szrot and Dean Gordon were present.

King said that Dean, Bob and he met with all the contractors and did an orientation in the field, came back, met with Bob Szrot and Bob suggested things that could be included in the bid process.

Bob Szrot said he walked approximately 7/10 of the Mamm Creek Road and noted additional areas for drainage, road damage, missing culverts, ditch work and erosion areas of which he made a list. He looked at the budget, blue prints and read all current reports on this alignment on Mamm Creek. He suggested that he identified already about 2000 linear feet of potential edge drainage that would need to go in and estimated upon 7/10's of the project, 3000 linear feet would be a good approximate.

Chairman Smith clarified that this was clear up to Jenkins cutoff.

Bob said according to his odometer from Jenkins cutoff to the Cattle Guard was about 5 miles. He provided some costs from the 1996 - C-DOT material pricing book.

Bob said he saw 2 areas significant in the damage of the road. Where culverts come under the road, he saw in two places, areas where damage was severe. He drew diagrams and explained the potential problem that was related to seepage. Another theory is that culverts were put too close to the road surface and could also cause road damage.

Another area causing road damage is a weeping hillside and from reading the reports, there is a chip seal made of 1 1/2" of asphalt mixed in with aggregate and underneath is between 6 - 10" of aggregate from the previous road construction. Bob went on to explain the process of how the water softens the soil and intermixes the gravel with the soil. The theory behind the road is: the native soil, then aggregate, and then surface material made of asphalt/cement and when a wheel drives along, it produces a weight distribution pattern. Based on these findings, Bob's recommendation to the Board is to go in and fix the drainage, then the under-drains eliminating anymore water getting under the subagents of the roadway and the fix up the culverts. From there put a geo-fabric over the existing alignment.

The current thought is tear up the old road up, salvage materials and rebuild the road.

Bob said he suggested laying the fabric over the existing road, on top of the fabric, put 10" aggregate base, followed by 5" of asphalt/cement.

For figures, Bob called Bowman's supply for geo-fabric - 50 cents per sq. yard unplaced. at 5 miles - @ \$35,200.00. Aggregate - \$10 per cu. yd = \$19,557.00 per inch = \$200,000.00.

Asphalt/Concrete - \$35. ton per inch @ 5 miles = \$135.500 @ 5" = \$667,600.00 = \$912,800. \$1.3 million total.

Bob would not recommend doing less than 5" of asphalt.

Dean Gordon - said Bob is more optimistic than he.

The decision was to do an addendum to the bids and come back Thursday morning May 27, 1998.

King said there was a lot of interest in the bids. They released 10 pre-bids packages.

Don DeFord talked to Tim Sarmo and Don reiterated what he reported to the Board this morning.

We need to get something to them to extend the agreement that currently expires the end of May 1998.

In the latest draft for the Energy Impact Assistance it talked about 5.3 miles of roadway, the last 7/10's of which would intersect with CR 316 so a total of 6 miles. And also it specified the depth of aggregate and the depth of asphalt.

King interjected that our spending needed to stay in proportion to the grant funds.

Don reiterated that he discussed this with the Board this morning, when first discussed a reduction of mileage and type of road, then Tim became concerned and thought there might be a pro-rata deduction in the amount of the grant. Later in that discussion when Don gave the current estimates which has already exceed \$2 million dollars, Tim's concern was then that the County match dollar for dollar but in any event, Tim needs the information as soon as possible along with the extension request so he can get it to the Energy Impact folks and get it approved.

Therefore, bid award and timing with the Energy Impact Grant is the concern.

Commissioner Martin made a motion to authorize the Chair to sign a letter to the Department of Local Affairs Energy Impact Assistance Fund requesting an extension of the current Road 315 Grant Agreement and directing the staff to specify the terms of that grant agreement.

Commissioner McCown seconded the motion; carried.

#### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Clay Artenbern and C. L. Parks - Roan Creek - County Road Issues

Clay requested gravel for the 9.3 miles of County Road. The County did some grading but now they feel it needs gravel. The goal basically is have the road chip seal.

Clay and C. L. made comments regarding plugged pipes as well saying when there is a cloud burst, there will be a major concern. Clay indicated that this was a cloud burst year. He also referenced that Brush Creek is running the highest it has been since 1984.

A suggestion was made by Commissioner McCown to have the County Engineer Bob Szrot go out and look at the culvert and bridge.

#### ***Road and Bridge Continued***

Mike McBreen submitted the Truck Bids and recommended the award be made to West Park for \$176,779.00 which included 5 tandems and 1 belly dump truck.

Commissioner McCown moved to accept the West Park's Bid for \$176,779.00. Commissioner Martin seconded the motion; carried.

#### ***Road Tour May 22, 1998***

King recommended renting a van from Glenwood Ford for \$69.00 so everyone could be in one vehicle for the Road Tour scheduled for May 22, 1998.

The Board approved.

#### ***EIS - BLM***

King submitted a draft copy of the Environmental Impact Statement from BLM; he also submitted a draft of his response to allow the Board to see what he was thinking with respect to dust mitigation and requested input.  
The Board agreed with the letter.

### ***County Road 109***

Bob Szrot, Mark Bean, Don DeFord, and King Lloyd were present for the discussion. The original recommendation was to go from 2" to 4" of asphalt due to heavy traffic of all the development accessed off of County Road 109. King mentioned that the original agreement called for Aspen Glen to pay for 2" of asphalt and 1" onto County Road 108. This was done prior to any soils study and/or any traffic studies. Summary - King suggested if the Board wanted to proceed with adding an additional 1" or 2" of asphalt to the application process, then perhaps the cost of this could be passed onto other projects in the future. A decision was made by the Board to have Bob Szrot take a look at the site and review the documents.

### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Bill Iverson presented a request for a second year foot race to be held on County Roads. He commented the Race of 1997 went well and there was no problems. The Board indicated they would approve subject to submittal of appropriate certificate of insurance and authorization from the Road and Bridge Department. Bill stated the Race was to be held July 18. Commissioner McCown moved to approve the request; Commissioner Martin seconded; carried. A motion to go into the Board of Health was made by Commissioner Martin and seconded by Commissioner McCown; carried.

### **BOARD OF HEALTH**

Mary Meisner, Public Health Nursing Director reported.

#### ***Healthy Beginnings***

Mary thanked the Board for meeting with the group and said they generated a lot of ideas. There is a budget task force meeting this Friday and a proposal will be brought to the Commissioners to deal with the shortfall funds for 1998.

#### ***The PreNatal Regional Meeting***

The regional meeting with Garfield, Pitkin and Eagle Counties went well. Mary handed out the written report indicating the highlights of the meeting. She stated they looked at the County residents, the total numbers of clients, and projected a 1998 - 2000 number and looked at those numbers; the concerns serving this population; and the capacity between the three Counties to begin to address these concerns. One thought was a coordinated effort and Rocky Mountain Planned Parenthood was also present at the meeting. Eagle County is willing to take on the management piece of those clients in their area and Pitkin County shows a capacity to absorb a number of the prenatal clients which will be a help as well.

#### ***Healthy Beginnings - Music and Memories Mother's Day Dance***

Mary reported they had a total profit of \$12,600 and this was divided between Healthy Beginnings and the Family Visitors Program.

#### ***Schools - Immunization***

The Immunization Saturday Action Plan went well to encourage boosters and those behind on their immunizations.

They reviewed kindergarten records and encouraged visits to the doctors if needed.

The Hepatitis B immunization will be given to Day Care Providers.

### *Community CDC*

The community turnout for the CDC Immunizations working with the doctor's offices produced a good turnout.

### *Regional - Injury Prevention Block Grant Funds*

Mary reported that a regional block grant had been applied for which will include Regions XI and XII - Steamboat, Rio Blanco, Moffat, Routt - all the Northwestern Counties. This is looking at seat belts, helmets, sports injuries, water safety, boating and recreation to see if they pull in some dollars. A combined effort will possibly pull in some dollars.

### *WIC*

The caseload remains staying at around 1000 clients. The Lan system is up and running smoothly in Glenwood and working now in Rifle.

### *Water Issues as Health Officer*

Mary said she continues to work on water issues as time allows as the health officer. She has a draft letter that she will be sending out to some of the citizens in the County.

A motion was made to come out of the Board of Health by Commissioner Martin and seconded by Commissioner McCown; carried.

### **CONTINUED PUBLIC MEETING: SB-35 SUBDIVISION EXEMPTION LOCATED APPROXIMATELY 4 MILES NORTHEAST OF CARBONDALE ALONG COUNTY ROAD 103. APPLICANT: SANDRA SMITH**

Eric McCafferty, Bob Emerson and Sandra Smith were present.

Bob Emerson gave a brief history of this subdivision exemption saying they were here in mid-December and in essence it was tabled due to the applicant's request and the Board's desire to try and finalize the preexisting subdivision. The applicant asked for and the Board denied the request to extend the time and record the final plat which brings them back to the subdivision exemption. This is a continued public meeting and notices have been given to the County and publication has occurred as set forth in the record back in December and an announcement of the continuation at public meetings.

Bob asked to comment on condition under Major Issues and Concerns page 3, paragraph C talking about the Board requiring a pump test for the wells. He stated there are two existing residences as well as a horse barn on the property and well permits for the wells have been in place for several years. He asked for this pump test not to be required. Paragraph D with regard to the note on the plat stating he didn't feel this was necessary. Paragraph F - Fire District Impact Fees - Bob said these fees were waived due to the residences already exist and made the same argument for Paragraph H saying it is not required to have school district impact fees because the residences have been there for a long time. This subdivision is not creating any new residences. Paragraph 6 on page 4 regarding well permits - these are in place; page 5, driveway permits - same argument as there is already a driveway there. Plat note - one dog per residential unit and argued since they are not creating a new residential lot Bob felt this should not be included. Also plat note regarding an open hearth fireplace - this house was built prior to the regulations and asked that this also be deleted as well.

Commissioner Martin asked if they objected to the "right to farm" as a recommendation.

Bob Emerson said Sandra ranches and farms and would appreciate that plat note.

Eric commented on the purposes for having additional permits on the wells.

Bob read a letter to the State Engineer from Tam Scott, Water Attorney on the project relating to this permit: "this well was decreed in the augmentation plan 2891F in February 1989. The State Engineer order expired and reiterated its predecessor permit 107036 in its place. In point of fact that well has been in use prior to June 1981 as evidence by the SBU Sandra Smith filed with the State Engineer in June of 1981 which was before she commenced her augmentation

planWater Court. She plans to file an application with the Water Court clarifying the situation and making the well absolute rather than conditional. Accordingly this is to request the State Engineer reverse its previous order of expiration reinstatement and order that the augmentation plan permit 2891F be reinstated at this time."

Bob said this letter was written in January of 1998 and as far as he knows this has been completed.

***Recommendation:***

Staff recommends APPROVAL of the application, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, ditches, access, utilities, etc.

That the applicant shall have 120 days to present a plat to the Commissioners for signature, from the date of approval of the exemption. The Board may grant extensions of up to one (1) year from the original date of approval.

That the recording fees for the exemption plat and all associated documents be paid to the County Clerk and Recorder prior to the signing of an Exemption Plat by the Board of County Commissioners and a copy of the receipt be provided to the Planning Department.

That the exemption plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD system.

Prior to final approval, the Division of Water Resources shall issue the appropriate well permit(s), which shall be submitted to the Planning Department for review, prior to authorization of an exemption plat.

That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted by Garfield County.

The applicant shall consult with the Road and Bridge Department and shall receive any required driveway permits, prior to final approval.

That the following plat notes shall be included on the exemption plat:

"The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"The individual lot owner shall be responsible for the control of noxious weeds."

"One (1) dog will be allowed for each residential unit within an exemption and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting shall be the minimum amount necessary, which shall be directed inward, towards the interior of the subdivision. Provisions may be made to allow for safety lighting that may be seen beyond the property boundaries."

"Soil conditions on the site may require engineered septic systems and may require engineered building foundations."

A motion was made by Commissioner McCown to approve the exemption from the definition of subdivision for Sandra Smith with recommendations of staff striking in No. 9 "one dog for each residential unit" adding the "right to farm" notation included in No. 9; under "C - page 3 deleting "the pump test" still leaving in the portion on "documentation of a legal supply of water permit" and "waive school impact fees." Commissioner Martin seconded the motion. Motion carried.

**PUBLIC HEARING: PUD ZONE DISTRICT TEXT AMENDMENT - ASPEN GLEN PUD. APPLICANT: FORSYTHE WEST INVESTMENTS, INC.**

Don DeFord, Mark Bean, Cathy Kulzer and John C. Laatsch were present.

Don DeFord determined that notification and publication were not in compliance with the 30 days - it was published on the 20th and therefore it was two days late.

Discussion was held.

Don stated they will have to re-notice. This will be consistent with the Board's findings recently in the Battlement Mesa PUD Zone District Text Amendment Public Hearing.

A new date was set for June 22, 1998 at 2:45 P.M.

**PUBLIC MEETING: PRELIMINARY PLAN FOR THE HAMMES SUBDIVISION LOCATED APPROXIMATELY 3 1/2 MILES NORTHEAST OF CARBONDALE OFF OF COUNTY ROAD 100. APPLICANTS: MICHAEL AND LENORA HAMMES**

Victoria Giannola, Don DeFord, Larry Green, Bruce Lewis and Lenora Hammes were present.

Don DeFord determined that notification and publication were adequate and timely and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Victoria submitted the following Exhibits for the record: Exhibit A- Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Project Information and Staff Comments; Exhibit E - Garfield County Zoning Resolution; Exhibit F - Garfield County Subdivision Regulations; Exhibit G - Garfield County Comprehensive Plan; Exhibit H - Colorado Geological Survey letter; Exhibit I - Office of the State Engineer letter dated 6 March 1998; Exhibit J - Mount Sopris Soil Conservation District letter; Exhibit K - Colorado State Forest Service letter; Exhibit L - Carbondale & Rural Fire Protection District letter; Exhibit M - Division of Wildlife letter; Exhibit N - Colorado State Forest Service letter dated 12 February 1998; Exhibit O - Carbondale & Rural Fire Protection District letter dated 5 March 1998; Exhibit P - Emergency Management letter; Exhibit Q - Staff update; Exhibit R - Resource Engineering letter; Exhibit S - Site Photographs; Exhibit T - Letter from the Carbondale and Rural Fire Protection District dated 7 April 1998; Exhibit U - Letter from Bill Johnson dated 8 April 1998; Exhibit V - 3 well permits; Exhibit W - Map exhibiting main access and alternate access; and Exhibit X - Letter to the Chairman of the Planning Commission from Dee and Jean Blue.

Chairman Smith admitted Exhibits A - X into the record.

This is a Preliminary Plan review for the Hammes Subdivision application for Michael and Lenore Hammes on a 44.5 acre tract of land located approximately three and one half miles northeast of the Town of Carbondale.

The applicant proposed to subdivide the tract into four (4) residential lots.

Victoria stated she had three concerns that came up in their series of meetings before the Planning Commission on this particular proposal. One was fire safety (the site does exist in an area that has a potential for severe wildfire hazards); another issue was access to the site; (the property does have access off of County Road 100 through an existing roadway that's an easement; and the width of the road (it varies between 16 feet to 8 feet by the time you reach the Hammes property); and especially as it relates to wildfire protection necessary to have adequate width for fire

fighting equipment getting access to the site; and thirdly the concern was regarding water and if the applicant can secure sufficient water for the three additional lots.

Victoria also commented that the Board will need to take separate action today on the "Waiver" as it pertains to the access easement, which will be extended to provide street access to the proposed four lots. This will be in excess of 1,700 feet. This access is designed to end abruptly at the boundary line between proposed Lots 2 and 1. Given this dimension and the design, the proposed access to the lots is classified by the Zoning Resolution as a dead end street. The proposed design exceeds the permissible length by more than 1,100 feet.

Larry Green introduced Lenore Hammes and Bruce Lewis.

Larry commented that the Hammes property was acquired in 1990 and 1996. The deeds are part of the application. They acquired the parcels in different names. The non-merge of the titles would allow them to sell the parcels. However, they have proposed to join both parcels and subdivide into two parcels. This is an application therefore to take two parcels and develop those into four parcels.

The Assessor's map of Garfield County was submitted and this proposed subdivision is consistent with other subdivisions - Wooden Deer Subdivision - approved by the Board of County Commissioners in 1992. The property in this area has developed over the past several years. An enlarged map was submitted for better viewing of the Board. Rimledge Road is a private road and developed over to the Hammes property. This road was a concern to the Fire Protection District. Larry said that about 15 families have entered into a road maintenance agreement. The Hammes are members of this informal road agreement. The plan offered the road users is set out in condition 21 - 24. They are referring to this as the "Hammes Road." Condition No. 9 and 10 will be the improvements on this "Hammes Road." The applicant will pay the total of \$6,666.66 upon the initial sale by the applicants Lots 4, 3, and 1 of the subdivision. These are the new lots other than where their house is. (see Condition 28 C).

Conditions 21 - 24 concerning alternate access to the site - property due north is owned by Mr. Johnson and they will sell an easement (Exhibit U).

Chairman Smith was concerned about Condition No. 23 "This provision does not apply to snow accumulation because the emergency access is necessary for wildfire situations which are not a winter time hazard." She expressed that this was a concern.

Larry Green stated this is the same condition of snow accumulation in Wooden Deer. He obtained the language out of the deed of Wooden Deer Subdivision.

Victoria said if the house burns, and they cannot get to the house, it will burn, but it is doubtful due to the snowfall that it would spread.

Larry Green - lack of water source and the Fire Protection District is willing to contribute a letter (referenced Exhibit 19) - but this should be the burden to all the homeowners up there. They would also contribute \$6,000 toward the estimated \$20,000 tank. Some grant funds may be available in getting the people who would benefit to contribute. (\$2,000 on the initial sale of each lot.) (See Condition 20.) Water supply for the subdivision - The Hammes have a properly permit water supply. (Exhibit 1 - 4).

Larry Green stated that Jean and Dee Blue have filed an appeal to the State Engineer and the issue of the appeal is will these wells create material harm to the Blues. (Condition No. 3 mentions the 10 conditions of approval).

Larry Green said these applicants have gone miles beyond what other applicants have had to do in Garfield County. They have addressed all the concerns in the Planning Commission and asked that the Board approve the Preliminary Plan with all the conditions. He asked that they look at Condition No. 8.

Victoria called to the Board's attention to the statement "and monitor groundwater pollution with all expenses born by the developer" stating this phrase could be deleted and in lieu of that the last statement regarding covenants of the Homeowners Association addressing the use of chemical application on the lawn would cover that.

Bruce Lewis of High County Engineering talked about the turnaround (Condition 13) to the Fire Chief and when he redraws the plats he will enlarge the turnarounds.

Commissioner Martin - asked about on County Road 103 and the impacts to the County Road. Bruce stated he would verify this use with King Lloyd.

Larry Green pointed out that in Condition No. 11 it states the applicant will agree to pay the Road Impact Fees.

Dee Blue - their ranch property borders the Hammes and she is very concerned about water. They have had the water rights since 1896 and the decree in 1973 showed the water was flowing 30 gals a minute. They went through Basalt Water and her question is how they can take the water without taking water from their Spring. As a result they appealed to the State Engineer as a measure of attempting to preserve their water decree.

Charles Harris - County Road 103 - seems like there is so much water available. They first drilled a well that they couldn't pump dry. Wooden Deer has documented a shortage. Now this same well can be pumped dry in 15 minutes; therefore he is concerned about drinking water and if there is enough for this Subdivision.

Christine Lawrence - 5357 County Road 100 which is the neighbor to the East of the Hammes. She purchased her land 1979 and the road crosses her property to get to the Hammes. She built her house in 1990 and the road to the Hammes was not used. Between 1979 and 1990 it was never used so she thought it was abandoned. Consequently, she built very close to the road which is the access to their property. This surprised her when they built and now with the new subdivision being proposed, they would have to cross her property and the road is very close to her house. They said they would relocate the road in the winter. Now she has heard nothing about it and sounds like the Hammes want to use the road really close to her house. This is not acceptable to her. Also, the holding tank is news to her and she does not have any money to support a holding tank. This would also be on her property line.

Larry Green - they still want to relocate the road. Larry said it was put on the back burner until they can construct a road off site.

Christine showed the Rimledge Road on the map.

Bruce Lewis was asked to identify how far the new road location would be from her house.

Larry Green pointed out on the map and it was estimated to be approximately 200 feet from her house.

Bruce pointed out the exiting road and the location of the realignment of the road.

Dee Blue said the current water flow is monitored at 4 1/2 gals a minute and this is a long way from the 30 gals they originally were getting.

Charles Harris - said if the Hammeses would deliver domestic water to them, then they would not have any objections.

Larry Green - on the water issue, he believes the proper forum to conclude to resolve is the context of the appeal. The appeal was only filed on May 7 and was new information to him. There are numerous way to solve the problem. One possible way is to provide them drinking water from this well. The fact that they have to prove "No harm from the permits" then they cannot answer the appeals. The Hammes want to be good neighbors.

Commissioner McCown said we are right back to where this Board has been many times where another agency, will not step up to the plate and take responsibility for this. It clearly states in their letter that their opinion in pursuant to Section 30-28-136 IHL that the proposed water supply will cause material injury to the decreed water rights.

Larry Green said this was superseded by the well permits.

Commissioner McCown agreed but they went ahead and issued the well permits anyway.

Larry Green - agreed they did.

Commissioner McCown said this was his whole point. They agreed in a letter that it would clearly create "material damage to decreed water rights" and then issued the permits anyway.

So now this Board has people coming to them to make the decision whether or not to permit a subdivision.

Commissioner McCown recognized that the Courts can settle this, but you have monitorial costs to both parties.

Chairman Smith asked Don for some interpretation on this. The well permits were issued April 8th.

Don DeFord examined the document in question and stated that the third paragraph caused him some concerns and the concern they expressed spoke to "material injury" as it relates to the failure to obtain an augmentation plan for the Basalt Conservancy Substitute Water Supply Plan. At the time this letter was issued as well as the others, Mr. Laughenslaughter, (the actual drafter of the letter, as opposed to the person who signed it), was not fully aware of the unique circumstances with Reudi water and the substitute water supply plan. What is being discussed today with the Blues and others is somewhat different than the theoretical problem created by the Reudi Substitute Water Supply Plan. What they are talking about is "actual interference" with their use of water as opposed to "legal interference" with their use of water. In that regard, the appropriate forum is first the State Engineer's Office and secondly if an inadequate response is obtained there, then through the Water Court. Once those well permits have been issued by the State the applicant that receives those has a right to drill a well subject to the conditions of those permits, including "no material injury." That is why you see both conditions. This was discussed at Planning Commission. Before this Subdivision can go to final plat, the well permits have to be valid and they have to remain valid.

Commissioner McCown asked if this were approved today and the wells were drilled and then the Blue's spring goes from 4 gals per minute to 1 gal a minute, then what?

Don stated the Blues would first appeal to the State Engineer's Office with the evidence; the State Engineer's Officer, through evidence they present, would have to determine the reduction in their spring was a result of the well or wells drilled in this case by the Hammes and not from some other source. If they determine the injury was caused by those wells, that's material injury and is in violation of the well permit and is subject to a cease and desist order or shutting off the well. The State Engineer's office is cognizant of the fact that they would be shutting off a domestic water supply to an existing resident and they would be very hesitant to do that absent some very strong proof. The State Engineer's Office would try to balance those interests, however in the end they have the authority to shut off the well. But whether they would do that or not, Don said he did not know.

Commissioner McCown reiterated under the conditions of approval, so would this Board.

Don - yes, prior to construction on that lot, again the County would be reluctant to file a cease order for a residence but realistically this is a hard question. The Blue's can challenge this before final plat. The applicants have to demonstrate to this Board that the Blue's appeal has been resolved in the applicant's favor.

Larry Green - the issue of the Blue's well is new and he wasn't aware of how they were going to resolve it.

Don asked the applicant in regard to the road relocation question, do you have a legal right to use property to relocate that road right now?

Larry Green stated they could go solely on the Hammes property.

Don asked then if the applicant was agreeable to making that a condition of approval?

Larry Green stated yes.

***Recommended Conditions of Approval:***

The Garfield County Planning Commission recommends that the Board of County Commissioners put forth the action of conditional approval of the application for the Hammes Subdivision Preliminary Plan in accordance with the 30 conditions as listed below:

In accordance with the representations of the applicant, the applicant will transfer to the Homeowners Association the Basalt Water Conservancy District Allotment Contract and the water rights associated with the wells together with the well permits. The Homeowners Association will have the power and the duty to enforce compliance by the lot owners with the terms and the conditions of the water contract and the well permits. The applicant will provide adequate easements for the wells, the water lines, and the other attendant facilities and utilities on the final plat submission.

The applicant must comply with all ten (10) conditions of approval of the well permits for each of the three (3) wells of this site as issued by the Office of the State Engineer, Colorado Division of Water Resources.

The potable quality of the potential water source must also be addressed by the applicant per Sections 4.91 and 9.51 of the Subdivision Regulations of Garfield County, Colorado of 1984 and per Section III 7.0 Goal, 7.1 and 7.3 Policies, 7.1 and 7.3, Objectives of the Garfield County Comprehensive Plan of 1994.

In accordance with the representations of the applicant, the owner of each lot will obtain site specific percolation tests at the building permit stage to determine whether a standard Individual Sewage Disposal System (ISDS) is acceptable or whether an engineered system is required. Each ISDS will be constructed in accordance with the results of the site specific percolation test and will be designed to minimize tree removal and changes to the natural contours of the land. The protective covenants for the subdivision will require that all septic system tanks be pumped at least one time every three years and will provide the Homeowners Association with the authority to properly maintain and repair each ISDS with the subdivision in the event that the lot owner fails to do so.

Proper building site selection and foundation designs will be employed, and proper septic system evaluations, installations, and construction will be carried out in accordance with the recommendation of the Observations of Geologic Conditions report prepared for this site.

The development on the steep portions of the site will be avoided due to slope instability. Furthermore, site specific geotechnical and subsoil studies will be conducted for building foundation and septic system design. Both provisions are in accordance with the Observations of Geologic Conditions.

The applicant will re-vegetate road cuts to prevent erosion; control animals where wildlife is present; control drainage; monitor chemical application on grasses; and monitor groundwater pollution with all expenses born by the developer, all of which follow the recommendations of the Mount Sopris Soil Conservation District. In addition, the covenants of the Homeowners Association will include language which clearly states that the use of chemical application on the lawn grasses is forbidden and that periodic testing of the wells is strongly encouraged.

The applicant will construct a twenty (20') roadway width with four (4') foot shoulders [two (2) eight (8') foot lanes with the with two (2) two (2') foot shoulders] for the protection of life and property from wildfire per the Colorado State Forest Service and per Section III. 3.4 Objectives of the Garfield County Comprehensive Plan of 1994.

The entire length of the Hammes Road will be improved to the Garfield County Road standards in accordance with Carbondale and Rural Fire Protection District and with Section III. 3.6 Policy of the Garfield County Comprehensive Plan of 1994.

The applicant will pay the applicable road improvement fee in accordance with the Garfield County regulations.

The applicant will provide a twenty (20) foot width for the easement to the proposed development to allow for emergency vehicle access as issued by the Emergency Management Report.

the Emergency Turnaround areas located between proposed Lot 1 and proposed Lot 2 will be redesigned to provide more area needed for a complete turnaround by emergency vehicles as recommended in the Emergency management report.

The applicant will maintain all grass at maximum of six (6) inches in height, and ensure that no woody vegetation and no flammable material, such as firewood, will be located within ten (10) feet surrounding the house per the Colorado State Forest Service.

A separation distance will be maintained of a minimum of ten (10) feet between conifers within forty-five (45) feet at the sides of the homes and sixty (60) feet on both downhill sides located north and south on the site. The lower limbs of trees will be removed up to half of the height of the remaining trees in accordance with the CO State Forest Service. Homes will be situated a minimum of fifty (50) from the top edge of the slopes as issued by the Colorado State Forest Service.

Only non-combustible roofing materials will be used in the construction process (no wood shake and shingles) as stated by the Colorado State Forest Service.

The space below overhanging decks will be enclosed with solid vertical walls as recommended by the Colorado State Forest Service and by Section III. Section 2.5 and 8.2, Objectives of the Garfield County Comprehensive Plan of 1984.

The applicant will assist with the installation of a twenty-thousand (20,000) gallon, underground, water will be kept full and which will be maintained to allow for immediate access by fire trucks to fill and to turn around in accordance with the Carbondale & Rural Fire Protection District and with Section 9.71, 9.73 and 9.74 of the Subdivision Regulations of Garfield County, Colorado of 1984.

If efforts to obtain an off-site easement are unsuccessful, the applicant will dedicate an easement for construction of an underground storage tank to the Carbondale and Rural Fire Protection District at a location within the subdivision which is acceptable to the Fire Protection District by final plan submission.

The applicant will contribute the sum of six thousand dollars (\$6,000) to the Carbondale & Rural Fire Protection District for the construction of an underground water storage tank. The applicant will pay the total amount of the contribution in three (3) installments of two thousand dollars (\$2,000) each upon the initial sale by the applicant of each of Lots 1, 2, and 4 of the subdivision.

The applicant will provide a perpetual, ingress/egress easement expressly limited to emergency fire or medical situation only. It may be used by either property owners seeking to escape the Hammes Subdivision due to fire, or by emergency service providers and their equipment seeking to access the Hammes Subdivision. The roadway may be gated at any location determined by the property owners so long as the Fire District is provided keys to all locks on every gate per the Carbondale & Rural Fire Protection District. The easement will be identified on the final plat and recorded with the final plat.

The easement itself will be sixteen (16) feet in width. Within the sixteen (16) foot easement, Mr. Hammes will improve an approximately twelve foot (12) wide roadway consisting of a minimum of six (6) inches in depth of three (3) inch road base material. An appropriate culvert will be installed to allow the road to cross any stream or irrigation ditch as issued by the Carbondale & Rural Fire Protection District. The applicant will provide Garfield County with adequate security to assure completion of the road construction as described above.

Mr. Johnson, his heirs, successors and assigns will be free to utilize the easement and roadway across his property, but will agree to keep the roadway clear of any obstacle which would block the roadway from use in fire emergencies in accordance with the Carbondale & Rural Fire Protection District. This provision does not apply to snow accumulation because the emergency access is necessary for wildfire situations which are not a winter time hazard.

The form and the substance of the easement will be acceptable to the Fire District. The easement will be perpetual and, when it is approved by all parties, will be recorded in the Garfield County records as stated by the Carbondale & Rural Fire Protection District. All new utilities associated with the subdivision will be placed underground.

The applicant has agreed to create a Homeowners Association for the subdivision in accordance with applicable Colorado State laws. The applicant will submit to the Garfield County Attorney for review the protective covenants, articles of incorporation, and other Homeowners Association documents (including bylaws) at the final plan submission stage.

In accordance with the applicant's attorney, the following provisions will be included in the protective covenants for the subdivision;

- A - only one dog is allowed for each dwelling unit;
- B - open hearth, solid fuel burning fireplaces are not allowed within the subdivision except as the same may presently exist within the existing residence on Lot 2. All dwelling units will be allowed an unrestricted number of natural gas burning fireplaces or appliances, and each dwelling unit will be allowed no more than one new, wood burning stove as defined by C.R.S. 25-7-401 et. seq. and the regulations promulgated thereunder; and
- C - All exterior lighting will be downcast and will be designed and installed so that the light source is not visible from adjacent lots.

The applicant will comply with all commitments made to the existing users of Rimledge Road as set forth in the letter from Lawrence R. Green dated 9 January 1998, and in accordance with Section 4.94 of the Subdivision Regulations of Garfield County, Colorado of 1984, as follows:

A - the applicant will proceed to have Garfield County name the private road between county Road 100 and the access road to the subdivision as "Rimledge Road," and will provide road signage for such road in accordance with the Uniform Manual of Traffic Control;

B - by note on the final plat, and by execution of the existing Road Maintenance Agreement for said Rimledge Road, all lots within the subdivision will become participants in the existing Private Road Maintenance Agreement.

C - the applicant will contribute the sum of twenty thousand (\$20,000) dollars to the Rimledge Road Maintenance Association to be used for the ongoing maintenance of Rimledge Road. The applicant will pay the total amount of the contribution in three (3) installments of six-thousand, six-hundred, and sixty-six dollars and sixty six cents (\$6,666.00) upon the initial sale by the applicant of each of Lots 1, 3, and 4 of the subdivision; and

D - the applicant will repair and maintain Rimledge Road from a point just west of the Kruidenier/Scotfield driveway to the point where the Hammes Subdivision access road leaves Rimledge Road. During this repair and maintenance, the applicant will bring that portion of Rimledge Road to at least the same condition as the road presently exists east of the Kruidenier/Scotfield driveway. The applicant will provide Garfield County with adequate security to assure performance of this repair and maintenance at final plan approval.

The applicant will pay a per lot, school site, acquisition fee in an amount determined by the Board of County Commissioner at the time of final plat approval per Section 9.8 of the Subdivision Regulations of Garfield County, Colorado of 1984 and per Section III 2.2, Policy of the Garfield County Comprehensive Plan of 1994.

The applicant will provide evidence that the well permits are valid at the time of final plan approval and that the finding of non-material injury is still valid for this proposed subdivision.

The Public Hearing was closed by a motion made by Commissioner McCown and seconded by Commissioner Martin; carried.

Commissioner McCown stated that the water concerns still bother him.

A motion was made by Commissioner McCown to approve the Preliminary Plan Hammes Subdivision located approximately 3 1/2 miles northeast of Carbondale off of County Road 100 for Michael and Lenora Hammes as described in the project information and staff report with all major issues and concerns, recommended findings, and recommendation; 1 - 30 with correction No. 8 striking "monitor chemical application on grasses; and monitor groundwater pollution with all expenses born by the developer, all of which follow the recommendations of the Mount Sopris Soil Conservation District" and include the Waiver No. V concerning the length of the access easement shown on page 7 of the Staff Report; add Condition No. 31 - "pertaining to the relocation of the roadway onto Christine Lawrence's property - an adequate distance that will satisfy Ms. Lawrence" and No. 32 "the applicant will agree to provide adequate domestic water to anyone in the immediate area found to have been impacted by additional wells or a solution that is agreeable with those impacted.

Don said if that requires construction of a water system, then the applicant would have to comply with our regulations regarding installation of a central water system and that's a different set of regulations than they have had to address to date.

Commissioner Martin asked if they would consider the concerns of wildlife also? Black Bear conflicts and Canadian Geese in domestic wetlands?

Larry Green - yes

Chairman Smith - also No. 21 "medical access - road should be kept open year round and she wanted the snow accumulation out of there." Take the "not" out of Condition No. 23 that the snow accumulation."

Don DeFord added as a plat note - notifying them that there is Black Bear in the area, resident mule deer population, hawks and Canadian Goose in the wetlands.

Don - add as a plat note "include the notification 1 - 4 set forth in the 2 March letter from the Division Of Wildlife."

Commissioner McCown included Chairman Smith and Commissioner Martin's additions in the motion.

Commissioner Martin seconded.

Larry Green clarified that the Board's intention was that the emergency ingress/egress be plowed of snow.

Chairman Smith - yes.

Larry Green said he will work with Mr. Leach on a plan if this moves forward to final plat to address this issue.

Vote

Smith - aye; McCown - aye; Martin - aye. Motion carried.

**LIQUOR LICENSE RENEWALS: CITY MARKET 3.2% - PARACHUTE; ASPEN GLEN OPTIONAL PREMISES - HOTEL AND RESTAURANT, LOCATION CHANGE; THUNDER RIVER MARKET 3.2% - RED ROCK DINER HOTEL AND RESTAURANT**

Mildred Alsdorf presented the liquor licenses for the Board's review.

*Aspen Glen Club*

She stated that Mike Stone, manager of Aspen Glen, has asked for a change of location for the Club House. She submitted a packet of information and photos that show the Club house with the sitting arrangements. On the handout, the facts show it to be "Eagle's Nest Grill" versus the "Aspen Glen Golf Club" which is a change of name and additional paperwork will be required. Further, the application shows they make all alcohol servers participate in alcohol server training to be aware of over service and the pictures show outside seating on the verandah and with

optional premise they will also have the carts on the 18 holes of golf. They have two serving carts.

Mike explained how they watch the people in order to ensure no other alcohol is on the premises. He said no personal coolers are allowed at all, each golfer has to check in with security before entering the property; and checking in with the golf shop. The Starter monitors the first tee and any player has to go through this check-in. Each server running the serving cart has been trained and testing as far as any serving of alcohol is concerned and they must pass the test before they are allowed to run the beverage cart.

Mildred said they will be ready to serve dinners in about 10 days.

Mike said the opening party is scheduled for Saturday, May 23 if all goes well.

Mildred verified there had not been any problems with alcohol at all. She recommended the renewal application for the Hotel and Restaurant and also the Change of Location be approved. Commissioner Martin made a motion that the Chair be authorized to sign the application on the recommendation for the Aspen Glen Club; Commissioner McCown; carried.

Mildred stated she will call Mike Stone on the name change.

#### *City Market in Parachute*

Mildred stated there is some changes in Corporate Structure but they go through the State on everything so primarily there is just a couple of places for signature. Mildred stated there has not been a problem with City Market in Parachute.

A motion was made by Commissioner Martin to have the Chair authorized to sign the application for the request for the liquor license for City Market in Parachute. Commissioner McCown seconded; carried.

#### *Red Rock Diner in Carbondale*

Mildred stated they have a Hotel and Restaurant license and she has not heard of any problems at all on this.

Commissioner Martin so moved to have the Chair authorized to sign the liquor license renewal for the Red Rock Diner in Carbondale. Commissioner McCown seconded; carried.

#### *Renewal - Thunder River Market Inc.*

Mildred stated this is a 3.2% beer on and off premises and the owner asked about delivery permit. At this time she does not want to do this but she may want to in the future. Mildred stated this is an automatic procedure that can be made at time of renewal or during the year.

Commissioner Martin moved to go ahead and authorize the Chair to sign a liquor license renewal for Thunder River Market. Commissioner McCown seconded; carried.

### **DISCUSSION: URS GREINER, JAIL SITE DEVELOPMENT COSTS FOR WULFSHON RANCH AND HOLLENBAUGH PROPERTY**

Dale Hancock, Don DeFord, and U.R.S. Greiner - George McKinnon - conference call.

Those present in the audience included: Mike Copp, Don Vanderhoof, Stan Stevens, Sam Skramstad, Bob Zanella, Tom Hartert, Sheriff Tom Dalessandri, Assistant Deputy Jim Sears, Dan Hall, Walt Brown and Georgia Chamberlain.

George stated they will be finalizing on June 1 and present it to the Board of Commissioners on that date. They still do not have the final numbers from the City of Glenwood on the sewer tap fees and they only received this morning the final soils report from the H-P study on the Wulfshon Ranch.

Chairman Smith shared that the Board was not meeting June 1, it was changed to June 8.

George stated the information they have received to date indicate some very significant costs involved and basically a difference between the Wulfshon Ranch and the Hollenbaugh Property of a range somewhere between \$600,000 and \$1 million difference. The study didn't include any potential credit that the City may want to participate in nor did URS look at any operational cost that the County would incur.

The other potential credit with Wulfshon Ranch not estimated was the credit of water and sewer usage that comes from City of Glenwood. These three items could be significant. The City has talked about contributing, but no one has said anything firm. The differences may go away, but URS does not have anything firm.

URS further reported that the Hollenbaugh property would be less to develop.

Discussion was held between the City of Glenwood Springs City Manager, Mayor and the Board of County Commissioners with the various concerns of soils mitigation, water and sewer taps, cost of transportation, and additional credits yet unknown that would be factors to consider in the final analysis.

Mike Copp said the City was going to put in a sewer line back to their sewer plant and would talk with the County about picking up those additional costs. It is the City's water line and the water line is closer West and he indicated they would also work on this with the County.

URS - these are significant dollar amounts in their estimate.

A new time was set for June 8 at 4:00 P.M. to have an additional discussion with URS on the jail cost analysis.

URS stated they would have all the information to the Commissioners and the City by June 3.

Sheriff Dalessandri submitted handouts to the Board with respect to prisoner movements; a letter from Judge Ossola with respect to the types of service necessary for the Courts; the comparison of prisoners from Glenwood 95 and Rifle 91; and estimated the movements per month to Glenwood to be 125. The Sheriff indicated that transportation for Work Release to get to work and back without them being considered escapees needed to be worked out.

Further, the Sheriff provided information to the Board from the Public Defender's office on the impact of time allowed if they had to go to Rifle to release a prisoner.

The breakdown including transport deputies and court security were factored in as well as duplication of services at the two sites considering the jail were moved to Rifle.

Chairman Smith notified the Sheriff that only the jail was being considered, not the Sheriff's administration, even if Wulfshon were selected. Therefore, two sites would need to be covered by the Sheriff.

Commissioner Martin stated the American Farmers Heritage report showed there was a 53% increase in population in Carbondale in the last 5 years; 22% in Glenwood Springs and 8 - 9% on Rifle and Parachute area.

Commissioner McCown addressed the fact of saturation and changing demographics realizing the jail would serve a 20 year function.

The Sheriff indicated that letters were sent to all agencies across the County in an attempt to gain an objective prospective on the final analysis.

Rifle Mayor Doug Toft submitted a letter to the Board that basically says that don't discount any of the Rifle sites or any reports received.

Chairman Smith agreed.

Attorney Tom Hartert Glenwood Land Company spoke briefly on the cost of the land at Wulfshon Ranch but indicated he was not in a position to quote prices today. Originally a 40 acre parcel was discussed at the further West end of the Ranch and a price was quoted of \$32,500 per acre. The price of the land not as far West, near the metal gate and where the drill rig was spotting doing the soils testing, was referenced at \$62,500 per acre. No maps were available to pin point the exact location.

*On-Going Settlement of Litigation with the City*

Don commented the date had not been extended for the settlement and there wasn't any anticipation of the need to extend as there was nothing in the agreement that was contingent upon the Board having made a firm decision on the site for the location of the jail.

An additional date of March 27 at 1:00 P.M. was set to continue the jail discussion.

***Executive Session - Direction for the Negotiator on Property and Legal Advice***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session to obtain legal advice in connection with the property for the jail site; carried.

A motion was made to come out of Executive Session by Commissioner McCown and seconded by Commissioner McCown; carried.

***Recess - 6:45 P.M.***

A motion was made to recess by Commissioner McCown and seconded by Commissioner Martin; carried.

Attest:

Chairman of the Board

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**MAY 19, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The CONTINUED meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, May 19, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present was Clerk & Recorder Mildred Alsdorf.

***Executive Session - Jail Litigation - Status - City of Glenwood Springs***

Don DeFord requested an Executive Session to discuss legal ramifications in connection with the status of the ongoing litigation.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

**CALL TO ORDER**

Marian Smith called the meeting to order at 9:00 A.M.

**CTL Thompson - Soils Test - Fairgrounds**

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the contract with CTL Thompson to proceed with the soils test on the Fairground property; carried.

**PUBLIC HEARING: ROAD IMPACT FEE RESOLUTION**

Mark Bean and Tom Beard of 802 Traver Trail - Glenwood Springs presented that in previous discussions of the Capital Improvements Program, staff was asked to look at larger geographic areas to assess a uniform impact fee. A map was submitted that showed the suggested revised road impact districts and Battlement Mesa was one area represented to explain and support their argument for having a revision. Mark submitted a map that showed the suggested revised road impact districts that will be the basis of the discussion. He also enclosed a spread sheet that was used to show all of the previous districts and how they were incorporated into the larger areas. Discussion was held.

Commissioner McCown noted for the record that Battlement Mesa has been very cooperative in road improvement projects and King would verify this if he were present. Anytime there is chip seal operations going on in the area, Battlement Mesa improves some of the roads that they have within their subdivision that they do not necessarily have to.

Chairman Smith said she couldn't agree more and that's why traffic studies do change.

Tom Beard said Mark has suggested they also update their wildlife study as these are also old.

A motion was made by Commissioner McCown and was seconded by Commissioner Martin authorizing the Chair to sign a Resolution concerned with the Amending the Adoption of a Portion of the Garfield County Capital Improvements Program establishing Road Impact Districts and the associated cost of road improvements.

Commissioner Martin stated that Battlement Mesa is just one of many areas that will be revisited. Vote - Motion carried.

***Resolution and Plat - Roberts, Thomas and Eileen***

Mark Bean presented.

Commissioner McCown made a motion to approve the Chair to sign a Final Plat and Resolution concerned with the exemption from the Garfield County Subdivision Regulations for Thomas and Eileen Roberts. Chairman Smith stepped down as Chair to second the motion; carried.

***Update - Administrative Clerical Help***

Barbara Ramirez requested an increase in clerical assistance for the administrative secretarial staff having Cheree work 3 1/2 days in administration and 1 1/2 days for Extension. She added this will be for a two week interim period.

The Board approved and determined that Ruth will be the one who will evaluate the work and make assignments creating a pool for clerical assistance.

***Airport Board Appointee***

The names of John Newton, former FBI Agent, Don Currier and Casey Bates formerly of H & K Auto were submitted for discussion as potential candidates for the Airport Authority Board. Commissioner McCown entered Casey Bates as nomination for the Airport Board.

Commissioner Martin seconded; carried.

It was suggested to keep John Newton and Don Currier's name of file for future reference and have administration send a letter stating such.

***Potential Referrals to Planning Commission***

*Dale Eubank - request for storage units; Barrett Resources - Water Evaporative Pond, an issue dealing with the landfill road; a Telecommunication request for a Special Use Permit from Questar InfoCom; St. Finnbar - Floodplain Permit; and an Accessory Dwelling request* were presented before the Board.

Commissioner Martin commented the Telecommunication's Board needs to be involved in Questar.

These applicants were determined to be approved to be directly set on the Board's calendar.

***Weinnies- CUP - Self Storage Park and the Zone Text Amendment***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to refer the Weinnies Conditional Use Permit for a Self-Storage Park and Zone Text Amendment to the Planning Commission; carried.

***Zone Text - 4.05.087F***

Discussion was held with respect to the original language versus the changed language in the Zone Text.

Mark explained that the change in effect allows for access to be approved in certain circumstances if it's a public way and they do not necessarily have to have the access in place at the time of application but would be obligated to complete the right-of-way access within two years of approval.

Commissioner Martin commented that it puts the Board in a difficult situation. It creates specific problems with property not having true access. He requested that this be referred back to the Planning Commission.

Commissioner McCown asked Mark to explain the logic for taking this access requirement out of the Zone Text.

Mark explained that the language, as it read, would have precluded an application for the entire Sanders Ranch - they did not and presently do not have access across the railroad. There is no proven legal access for the proposed project. The same would be true of anyone who doesn't have access across the railroad right now. This was part of the big debate in the Planning Commission.

Don stated the new Zone Text says "public right-of-way" because it was directed specifically at the kind of property being looked at for the RFRHA right-of-way. Discussions were held in front of the Planning Commission regarding the desirability of going through and acquiring

condemnation across private property, because this County has situations where there is not access to property and the access would have had to cross over private property to get there. After these discussions, the language was altered to the extent that the proposed crossing or access would be across a public right-of-way which could also be a road; but in this case the discussions were rather pointed about the railroad and its effect on vacant land in this valley. The staff pointed out the difficulties in proceeding with any kind of a land use application where we didn't know if there was a right to get to the property. The delay in a two year time frame in getting the Comprehensive Plan for the railroad right-of-way, Don said his perception was that this change was made. Don pointed out and clarified that it was not discussed in the effect of, if you have an application in front of you where part of the PUD proposal actually proposes using someone else's property as part of their plan, without the permission of that person, this can also a problem.

Commissioner McCown stated this wording presently is probably even more restrictive that dealing with the railroad right-of-way - the old wording "easement showing vested legal access for ingress or egress from a public road to the PUD."

Don agreed that the old language was used for many years and was very restrictive. Don said his office discussed this with Mr. Hanlon for several months before the proposed change was made. Commissioner McCown commented that Mr. Hanlon came before this Board and appealed if he could proceed with the application process without this in place. Don commented that his original position was "no that he could not" and this has been his position and response when that question has been asked in the past. Then the proposal was made to alter that language.

Commissioner Martin said that he was asking for the Planning Commission's reconsideration but if we do it, he asked for a pending Regulation/Resolution in order not to deliberately trap someone in limbo. All applicants would be notified in advance.

Commissioner McCown clarified that anything not on the books would not be affected. Don agreed.

Commissioner McCown asked then if this would affect anything up for re-submittal? and would it be affected if the action is taken prior to re-submittal?

Don agreed. An application is either pending or it isn't. At the present time, there is nothing pending.

A motion was made to refer this back to the Planning Commission to reconsider by Commissioner Martin and seconded by Commissioner McCown; carried.

#### **WESTERN SLOPE AGGREGATES, INC.**

Don DeFord, Mark Bean, Sean Mello Project Manager and Bill Roberts were present.

Don determined that publication and notification was adequate and timely and advised the Board they were entitled to proceed.

Mark submitted Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Western Slope Aggregates Response; Exhibit D - Staff Report and Project Information; Exhibit E - Resolution 96-48; Exhibit F - 2 letters from Gary Hubbell and Exhibit G - memo from Steve Hackett.

Chairman Smith admitted Exhibits A - G into the record.

Mark said this is an annual review of Resolution No. 96-48 for a Special Use Permit to allow for the permanent access to State Highway 82 for the Blue Gravel Pit for Western Slope Aggregates, Inc. located on a 110 acre parcel located north of State Highway 82, across from Ranch at Roaring Fork.

The site, known as "The Blue Gravel Pit," has been operating under a Special Use Permit (81-384) since 1981. The pit is located in the southeastern portion of a working ranch operation. Sherry Coloia representing the Homeowner's Association at Ranch of Roaring Fork, said they have several concerns and she did meet with Bill and Sean who have agreed to work on these but

she wanted to put it on the record at this time: (1) Casey Concrete is using the road, and based on the approval, approval was given to Western Slope Aggregates and specifically addressed that other industry people were not to use the road; (2) just on the top of the ridge the road has been paved and works well, but when the pavement ends at the top of the ridge, trucks go on it and then create dust, the dust then settles on some of the houses inside the Ranch. (Bill and Sean agreed to work on this - they will mag chloride the dusty road). Sherry said she would like to know how often they will and how well does it work; and do they need to pave more of it to address the dust concerns; (3) another concern which she hopes has gone away is some beeping on the ridge - safety beeps for backing of trucks - this is more annoying than some of the truck noise itself. This was heard mostly during the construction of the road and the homeowners are hoping that is over; she said she understands it will keep going on inside the pit, but hopefully not on the ridge where the sound carries; (4) the vegetation - the trees are dying and they were required to maintain the landscaping and this needs to be addressed; and (5) other cars and trucks are using the road. Casey Concrete, J. W. Weaver Trucks and Woodchucks have been using the road and it is putting more traffic on the road. The road was to be specifically used for Western Slope Aggregates. The less traffic the better and would like another review to see where we are. Bill Roberts - 112 Willow Lane Carbondale addressed the concerns: (1) the dust on top is something they understand that could be a problem and a new road was built; they are happy to mag chloride the portion of the road that was not paved. This is on schedule to do this. (2) The back up beeping was mostly during construction and during regular operations but there is nothing they can do to mitigate the noise and it is required by OSHA; (3) trees - the landscaping is contracted out. They have replaced them once and now 75% look like they are not making it; (4) Casey Concrete was issued a Special Use Permit with the Board. (Mark addressed this and said he spoke to them on County Road 103 regarding their terms of conditions of approval, which were not clearly spelled out in their application if they have a right to use the Western Slope access road; however their access was to use County Road 103).

Bill said the SUP of their road was to get heavy traffic off of County Road 103. He added that it was not a problems to have Casey use their road.

Don DeFord asked Bill Roberts if he had talked to Casey Concrete.

Bill said it was the first time he was aware of a problem using their new road; it was his understanding that they could come on his road connected with the two Special Use Permits.

Don DeFord said the SUP is a type of zoning, but the Board needs to look at the representations of the application. A SUP goes with the property.

Bill - the gist of the new road was to take heavy traffic off of County Road 103.

Don - the permit can be modified however, it would have to address the level of increase of use, the numbers, types and use of vehicles.

Bill Roberts inquired as to whether or not the use and trips within their boundaries were included in their SUP.

Mark read the application for the record: Present Access to the Pit - "the pit site for all traffic is provided by County Roads 103 and 104. Proposed access will remove almost all pit traffic from these County Roads and provide a much more direct and safer route to Hwy.. 82 for this project. The lapsed time for truck trips will be reduced by approximately 10 minutes by the proposed road and will reduce fuel consumption, exhaust emission, and long term detrimental impacts of truck traffic on structural surface conditions of the County Road will also be eliminated."

Mark clarified that the phrase "almost all" is referring to them in anticipation of allowing some vehicles to go onto County Road 103 and 104 to access the Missouri Heights area.

Bill Roberts stated that in terms of the other traffic that is using the road, this is a direct result coming from the Ranch and also the Wooden Deer Subdivision, and maybe short term traffic coming through from County Road 103. Bill said he did not know that for sure. They do not have any control over this traffic as it is coming from a dead-end County Road.

Mark suggested they could gate the road into the entrance to 104 Road and keep it locked. This would discourage folks.

Discussion continued.

Don DeFord commented that the way the County had treated Special Use Permits, the permit is not limited to Casey Concrete, but to their operations. They, for instance, could relinquish their operations and the aggregate operation (other than Casey Concrete can operate in this pit) and use this SUP to the extent of the application of Western Slope. The aggregate operation, because it is not a permit that is issued to the operator, goes with the land. Therefore, Western Slope could sell their operations or their right to use the pit and they can haul aggregate and use this access to Hwy. 82. Concrete operation was not part of the original application and was not considered.

Sean Mello - 198 Odin Drive - Silt, said when they put in for a Special Use Permit for the Highway access, he did most of the work on it. His assumption was that Casey was to follow the rules and regulations of the 81 permit that they were bound to; Casey had to follow their hours, etc. and once the road was in place, that he would follow along with that 81 permit to Casey's 93 permit to their 96 permit - that he tags along on it. He said he understands they are separate permits but dealing with one specific property and the operations within that property tag along on these permits.

Don disagreed because the concrete operation is very specific testimony about the number of trucks that would be utilizing the pit to hauling aggregate. There was testimony to the maximum number of trucks for that purpose, hours of operations, and when those trucks could come there; but no testimony about the number of concrete trucks that would be using that road at the same time.

Mark addressed a concern for the Special Use Permit for Casey Concrete saying that basically in Condition No. 3 "all conditions of approval contained in Garfield County Resolution 81-384 shall be complied with by the applicant" and Condition No. 6 "the applicant shall enter into a roadway improvement and maintenance agreement approved by the Garfield County Board of County Commissioners prior to issuance of the Special Use Permit and the safety of existing and future traffic pedestrians including school buses and existing stops shall be addressed which they may enter into an agreement"; they also identified specific equipment that was going to be on this site. Mark said there is nothing that specifically says that the permit was strictly based on 103/104 road access other than the obligation at that time under 81-384 that they were required to comply with all conditions contained in that which required Western Slope Aggregates on 103/104 road access. Mark submitted Resolution 93-020.

Chairman Smith entered Exhibit H into the record.

Commissioner McCown added that this is basically what Sean just said. Sean was under the assumption that their SUP changed and so did Casey's because that is not specific 103/140 road access. They entered into a road agreement on those two particular roads but he didn't hear anything in there that they were bound specifically to those roads.

Don reiterated that the application is related to an aggregate operation. There was no representation about the concrete operation from the pit and the number of vehicles generated by that operation.

Bill Roberts clarified then that because Casey Concrete has a separate special use, they are nullified from being normal Western Slope traffic; they are however still bound to Western Aggregate's special use. Bill added it was a mistake when they did this application, but for safety wise and everything wise in terms of those conditions, the intent was to get heavy truck traffic off of 103/104 roads.

Dee Blue - 0414 County Road 104 said the access road as far as their ranch was concerned. They have used this road prior to the development of the aggregate and at one point it was the only access to the ranch prior to the extension of 104 Road. 104 Road is not a County Road, it's a Public Road and have always told their people up there and the neighbors that they can use their ranch road. Since 1973 there has been no trouble. To gate the road over to Weaver's Woodyard

would be a very big inconvenience. The road has been upgraded and people would rather use this road than come over the Blue's cattle guard into the property. As far as trespassers accessing the road from 103 Road or Wooden Deer, she has come to the conclusion over the last several years that she cannot stand out there for 24 hours to tell them not to use this road.

Frank Hollowell - Ranch at Roaring Fork stated he has been involved in the Special Use Permit since back in 1981 when it was granted. The Ranch predates the gravel pit and as part of putting an industrial operation next to a residential area, this whole hillside where this road is would not be touched by buying operations. Now that has subsequently changed. During the conversations it came up about the various trucks and pit traffic have used 103 Road for 15 years with minimal maintenance. Casey Concrete, when they obtained their permit, was limited to 5 trucks a day unless they made some substantial improvements to that road. They have a deal with the County to improve the road. Therefore, to slide over onto Western Aggregate's road and not fulfill their obligations on County Road 103 is not fair. He said they are experiencing right now about 140 - 150 trucks a day. This is a big impact and if they add cement trucks it will become a very busy road. He added he thought the SUP limited it to 120 round trips per day.

Sherry Coloia stated the average was 120 per day and with Casey Concrete is brings it up to about 150 according to the Ranch's calculation.

Frank Hollowell stated the traffic was a concern and would like the traffic split both ways.

Charles Harris - 1103 CR 104 said it has made a tremendous amount of difference on the safety since the Western Slope access road has been built. 103 Road is heavily traveled with cars and he would defy anybody to stay on the oil on the access from Hwy.. 82 and not use the entire road to make that vehicle turn from Hwy.. 82 onto 103 Road coming from the Aspen area. The road needs to be straightened. He complimented Mr. Roberts on the excellent job and as far as the trees on the hillside, there is a lot more trees dying that the State put in rather than the ones Mr. Roberts is putting in. As far as Casey Concrete, he thinks they should be allowed to use the Western Aggregates road because they too have trouble getting on that road from Hwy.. 82 to Road 103 and also from 103 on. Speed limits are not observed on 103 Road. As far as the dust is concerned, he has seen many times when the wind was blowing from the west that the dust from the Roaring Fork Gravel Pit was coming clear up into the Roaring Fork Ranch.

Sherry Coloia stated the numbers are in the noise study which indicate 120 trucks a day. She added they are not complaining about Western Slope Aggregates. With Casey Concrete using the access road, they do exceed the number and therefore, Casey Concrete needs to come in and get a SUP approval to use the roadway if they can.

Gary Hubbell - Ranch at Roaring Fork - stated that he was not notified of the hearing and he is an adjacent landowner and secondly, the fundamentally issue is noise. He said he can hear trucks in his studio, his shower, living room - it is fundamentally an extrusion to the quality of life at the Ranch and the main reason for trying to sell his house. He had a very interested buyer and asked about the truck noise. He asked for a 10 foot fence from the top of the hill to the bottom.

Sherry Coloia again reiterated her 5 concerns and asked for a plan on how they will address these specifying with a time schedule and a review.

Sean will get with the landscape person and address concerns in a letter with a copy to the Ranch at Roaring Fork.

Mark suggested 60 - 90 days but it comes to an enforceability issue from his view point.

Bill said the landscape calls for specifically pinion trees - pinions are hard to transplant and he could plant other kinds of trees right now.

Mark indicated that he has to stick to the landscaping plan.

Mr. Hubbell asked if this was the only annual review or is it a yearly review.

Mark - this is the only one scheduled but the Board can request another.

Chairman Smith - wants another annual review.

Sherry - suggested to review this in the Fall as then it will be more consistent with planting and dust control.

The Board decided to do a 6 month review in November.

Commissioner McCown so moved and Commissioner Martin seconded; carried.

Mark added that if the Board wanted to limit Casey Concrete to not use this road until they amend their Special Use Permit, then they should take action. Mark stated he would draw up a Resolution essentially giving Casey this information from the meeting.

Don added that the Board should add by Resolution representation of the applicants at this hearing as conditions of approval.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the Public Hearing; carried.

Commissioner Martin made a motion to have a 6 month review and adding as requirements in an amending Resolution including the representation of the applicants at this hearing as conditions of approval. Commissioner McCown seconded; carried.

A date was set for November 16, 1998 at 4 P.M.

Chairman Smith asked to have Don DeFord explain the rule for notification of property owners. Don said in this case it has to be adjoining and only adjoining property owners, because the word is adjacent. There are other notices that require notification of people within a certain distance to be notified.

Mr. Hubbell asked then if the gravel pit is a separate piece of property? There are only two adjacent landowners to the pit, the Ranch at Roaring Fork and the Blues.

Sean Mello said he notified everyone adjacent to the Blues since the Blues own the gravel pit but the gravel pit is a separate piece of property.

Chairman Smith stated the only reason she brought it up was because Gary Hubbell stated he wasn't notified, but he wasn't legally required to be notified.

Recommendation:

That the Board determine the conditions of approval contained in Resolution No. 96-48, but that the applicant is still subject to a possible future hearing per Section 9.01.06 of the Garfield County Zoning Resolution of 1978, as amended.

#### **PERSONNEL POLICY**

Mark Bean, Dale Hancock, Georgia Chamberlain, Barbara Ramirez, Mildred Alsdorf and Don DeFord were present.

Proposed Policy and Procedures Manual were the topic of discussion.

Mildred stated she had received a memo from Susan saying the answers to the concerns were not turned in and she asked what they wanted to do.

Georgia asked to have this discussion set for another time. What is the time frame for getting this accomplished?

Barbara - when it was started, the time frame was July 1.

Georgia - when is the time frame for Susan and Kathy?

Mildred commented that the time frame for Social Services was the consideration and Barbara should inform Kathy and Susan that Social Services would not be included until the year 2001. Commissioner Martin stated Arapahoe County did include the Social Services employees as part of their County, however, they were in limbo waiting to hear how this would be handled.

Barbara clarified that Susan Owens needs to know the time-frame for Social Services. And are there departments that are exceptions to this?

Georgia commented that she has strong feeling that Steve Rippey should be included in these meetings. It is unrealistic to expect Steve to be here during his protest time. Be realistic in the setting of a new time to review this policy.

Barbara mentioned that the letter has gone out to employees two paychecks ago stating that they need to check with their supervisor prior to any action being taken since the personnel policy is currently being reviewed and changed.

Mark suggested a commitment by each elected official to go through and prepare written responses.

Chairman Smith mentioned she felt very strong about having a purchasing policy in place. The audit review mentioned a possible conflict of interest and this is a real concern. June 8 at the noon hour the findings of the audit review/management letter will be discussed. This letter was to be copied and given out.

Chairman Smith stated that most of the concerns are with the Sheriff's department.

Mildred stated that Kathy has a copy of the Personnel Policy as well as Susan Owens.

A new date of July 1st from 8:30 - 12:00 noon was set to meet and discuss the responses from Kathy and Susan and all elected officials.

Mark suggested that all written comments by the elected officials be given to Barbara in writing no later than June 15.

Barbara asked if she could harass those who have not turned in their written responses after June 15?

The Board said yes.

The issue of grandfathering in the nepotism clause was discussed. This is included in the Supervisor's Manual not in the Personnel Policy.

### ***Dates Set***

June 15 by 5:00 P.M. to Barbara and July 1 - 8:30 - 12:00 noon for discussion.

Georgia stated that Barbara's under the impression that only Susan Owens has a copy of this policy. Mildred is under the impression that Don said both Kathy Greer and Susan Owens were to both look at the policies at the same time. This needs to be clarified. If Kathy Greer is looking at this, and if Susan is also looking at this and we have changed our deadline from July 1st, then how does this change fit into their schedule? Don would be able to tell us more. Don knew we weren't going to incorporate Social Services by July 1st yet she had the feeling from Don that there was pressure to get this done.

Discussion.

Don DeFord said Susan and Kathy should talk about this, as some of the changes are legal, and it would also save time if the elected officials were to meet and discuss these issues Susan has raised in her memo. Don added that he will call Susan and see where her concerns are with getting with Kathy Greer. He said the two ought to talk to each other and both should know what the Board is thinking.

The direction was to get Susan and Kathy to review the concerns raised in the memo from Susan Owens; the Board needs to get the answers back together for Susan before the July 1st date.

### ***Library Roofs - 1:00 P.M.***

Jaci Sphuler and Darlene Merritt were present.

Jaci presented the roofing bids and explained the procedures involved.

The consensus that she and Mike McBreen reached in New Castle was with installation of the roof the cost would be in the mid-\$50,000; the bid from Stark Roofing and from Ace on New Castle and was \$42,000 - \$44,000 for Glenwood with cribbing (cushion board and cushioning). Ace has a cheaper bid for the Glenwood Springs Library roof and a more cleaner bid with new Castle. This doesn't include the problems with the decking. She stated that Ace has a more complete bid.

Mike McBreen presented the copies of the bids.

Jaci recommended going with either the bid from Stark or Ace. However, Jaci preferred and recommended to go with the Ace Roofing bid for Glenwood and the Stark Roofing bid for New Castle.

A motion was made by Commissioner McCown to accept the bid from Ace Roofing for the \$14,980, \$460 for the Alternate 1 plus \$560 - 15 year warranty for Alternate 3 to be included for the Glenwood Springs Library and on behalf of the New Castle Library to accept the Stark

Roofing Bid in the amount of \$28,000 for EPDM Roof and the 4" of R30 insulation option bid \$14,884 and then to provide additional guttering estimated to be in the neighborhood of \$2000. Commissioner Martin seconded the motion; carried.

**FINAL PLAT - RIVER TRACK A - ASPEN GLEN PUD**

Mark Bean, Larry Green and Ian Haas were present.

Mark stated Don needs to verify that all the requirements have been met.

Larry Green stated all have been met but the school impact fees. Larry asked that the motion be made for the Chair to sign the final plat and the SIA.

Ian Haas with Aspen Glen stated they did additional berms for Lots 8 , 9 and 10. BLM has asked to be involved in regard to second floor balconies.

A motion was made by Commissioner McCown to authorize the Chair to sign upon certification from Don DeFord that the PUD was complete on Aspen Glen Filing No. 5 and the Clerk will hold until fees are paid and Sam Phelps, County Surveyor will sign. Commissioner Martin seconded the motion; carried.

**CONTINUED PUBLIC HEARING: PRELIMINARY PLAN - LOS AMIGOS RANCH PUD, FILING 6-10 LOCATED APPROXIMATELY 5 MILES SOUTH OF GLENWOOD SPRINGS OFF OF COUNTY ROAD 114. APPLICANT: LOS AMIGOS RANCH PARTNERSHIP**

Mark Bean, Don DeFord, Larry Green, Greg Boeker, Tim Thulson, Terry Eubank, Sherry Coloia and John Currier were present.

Mark submitted the following reports to be entered in as Exhibits: Exhibit AA - a report dated 5/13/98 from McLaughlin Water Engineers to Sherry Coloia; Exhibit AB - a letter from Delaney & Balcomb to Mark Bean dated 5/13; Exhibit AC - 2 documents on the Los Amigos design standards and management plan for individual sewage treatment systems. The Orenco Systems Septic Tank Tricking Filter in Colorado; Exhibit AD - a letter to Keith from Greg Boeker dated 2/14/92; and Exhibit - AE a letter dated 5/19 from Wright Water Engineers.

Larry Green voiced objection to having Exhibit AD - entered into the record at this time.

Chairman Smith entered Exhibits - AA, AB, AC and AE into record.

Chairman Smith swore in the speakers who were not previously sworn in at the previous public hearing.

Larry Green - provided a procedural history stating they were here before the Board on April 13, 1998 on the Preliminary Plan for Filing 6 - 10 of the Los Amigos Ranch. At that the Board took comments from the public, a number of items were introduced into evidence and those items including a report from Resource Engineering, etc. submitted on behalf of the applicant; a report from Michael Erion of Wright Water Engineers, the County's retained expert and also a report submitted from McLaughlin Water Engineer by Mr. Kaufman on behalf of person who had a contract to buy some property in this vicinity who objected to the location of ISDS. Los Amigos rebutted to some of the statements made by Mr. Kaufman, they sat down and then Mr. Kaufman wanted to give some further comments more or less a sur-rebuttal to what Los Amigos experts had said. At that point the hour was getting late and Mr. DeFord advised the Board that because the applicant has the burden of proof, which gave the applicant the last word, at that point the hearing continued until April 27, 1998. In the interim, between April 13 and April 27, Mr. Szrot was asked to take a look at the proposal and he gave a report to the County which now has been admitted into evidence where it was suggested that the applicant perhaps ought to take a look at a pressurized central wastewater system. In addition, Larry said they received a report late on Friday, April 24 - a supplemental report by Mr. Kaufman and on the 27th, the applicant felt they didn't have adequate time. Mr. Szrot was back East getting his family and they hadn't had the opportunity to discuss his report with him nor to analysis Mr. Kaufman's report, so on the 27th on behalf of the applicant, Larry Green appeared and asked for a continuance. That was granted until today's date and here we are. Last time on 4/27/98 the experts committed to providing any additional written material to the County by May 13. That was done by both Mr. Kaufman,

Resource Engineering and Michael Erion has had a chance to review that information and it's his review that leads to the report dated 5/19. Larry commented that there are many inches of expert opinion that addresses the primary issue before this Board which is the suitability of ISDS systems for this 168 lot filing of Los Amigos Ranch. He recalled for the Board that his project is the subject of Resolution 96-34 which concerns the approval of the Amendment to the PUD Zone Text Plan. The "development agreement" is how Larry referred to it. He said they believe this document gives the applicant certain vested rights and sets the perimeters for the issues that are to be considered by this Board in its review of this preliminary plan application. He stated that ISDS is the only issue presently before the Board. At least it is the only issue that has generated discussion. The "development agreement" provides that the Board determined in 1996 that there were economic inefficiencies and impracticalities associated with extending and maintaining central sewer service to the remaining westerly single family lots in the PUD. This document goes on to say, that "the application shall be allowed to service the remaining lots with ISDS subject to the following conditions: 1) the applicant shall provide to the Board all the information needed by the Board to review the environmental and health impacts presented by ISDS service which shall also be forwarded to the Colorado Department of Health for its review and recommendation"; 2) the Board finds Colorado Department of Health has made a favorable recommendation regarding the proposed method of sewage disposal. Larry said he believes that it is clear that the second half of that task has been satisfied. The proposed method of sewage disposal, the 168 lots on ISDS, were sent to the Department of Health, they did not comment and by operation of CR 30-28-136 that is deemed favorable recommendation. He submitted to the Board that the narrow issue regarding ISDS is that the applicant submit information to the Board to review the environmental and health impacts presented by ISDS service. With the wealth of engineering information available to the Board, they have met that obligation. The information submitted both on 4/13; 4/27 and today allows this Board to conclude that there is no threat to the health, safety and welfare of the citizens of Garfield County from the use of ISDS systems on Los Amigos Ranch. He added, the evidence will show that Los Amigos Ranch is as suitable as any location in Garfield County for ISDS systems and for this Board to conclude that it is not suitable, is essentially a policy decision that ISDS systems will no longer be allowed in Garfield County. He added the evidence will show that standard ISDS systems on this preliminary plan submittal do not pose a threat to the health safety and welfare of Garfield County. Notwithstanding that, the Board will hear today that the applicant is suggesting and willing to live with a condition of approval that the ISDS systems to be located on this project. These are called trickling systems which are an old technology of waste water treatment, but a new application of that technology to ISDS systems which results in at least a 75% reduction in the contaminants discharged from the ISDS system. John Courier will discuss with the Board his letter and its attachments dated May 13; Wayne Shelton did the drilling of the wells in question and he will testify to the water depths and whether or not the holes were dry and some of those other contested issues that were discussed in the past regarding the water table level underlying this part of the Los Amigos Ranch; Ed Church who is an expert on trickling systems and how they work and what they do and how they can be utilized to enhance the effluent discharge if the County wants to go in this direction; and finally Dean Gordon who will discuss in general Mr. Szrot's report on the conceptualize ideal of this pressurized system and some of the practical difficulties that arise in making use of such a system in a development such as Los Amigos Ranch.

John Currier - Resource Engineering stated the purpose of his discussion before the Board today is to take a quick look at his letter dated May 13 included in the packet and reiterate from his perspective a bit on the technical aspect of ISDS for Los Amigos Ranch. He suggested looking back at the recent hearings, stating the entire project got elevated to an academic plane and in doing so lost sight of the plain facts of the development. Secondly, he wanted to summarize the technical stuff and make a conclusion. Thirdly, the big picture is that there is 168 units on 1700

acres or one unit per 10 acres. The high points of his presentation included: the minimum distance between a proposed ISDS system is 2200 feet; the depth of the water table is great particularly by ISDS standards which require 4 feet minimum separation and 60 feet of perched water table to as much as 800 feet. Fourth, other developments within Garfield and Eagle County given similar geological settings - ISDS on Basalt - have seen nitrate contamination. (The 5 they looked at in the El Jebel/Carbondale area - (attachment to 4/23/ letter) Cattle Creek, Catherine's Store, Wooden Deer, King's Row, Red Table Acres, Mesa Estates all have ISDS and all Community water supplies from wells located within those developments). John read into the record from his letter presented as an Exhibit AC.

John stated with this picture he provided, it is in his professional judgment that Los Amigos is a good place to use ISDS systems. That by including reasonable engineering ISDS systems would not create harmful conditions to the drinking water. John Kaufman from McLaughlin Engineers was asked to prepare a report for the Board and read into the record from Kaufman's letter.

Bruce Collins of 1110 Mineota Dr. - Silt - Masters Degree in Geological Engineering took a look at the work and reiterated his position and that of Resource Engineering, that properly designed, installed, and maintained ISDS Systems are appropriate as being proposed for these 168 units, and do not pose a health hazard as evidenced by nitrate concentrations.

Wayne Shelton of Shelton Drilling Corporation - driller of the wells in the Spring Valley area, addressed the concerns brought up at the April 13th Public Hearing.

Ed Church - Engineer Geologist - provided the Board a brief overview of the trickling filter system that goes beyond the standard ISDS system.

Dean Gordon - Schmueser Gordon Meyer - explained the operational procedures of the a central sewer system saying it is not the cure all and he wanted to put this into context. He stated that the new County Engineer, Bob Szrot did a report to the Board and a good job in summarizing all the reports and concludes with a central sewer system. Dean also provided the Board with a cost estimate comparing central sewer expansion of the Spring Valley system in context with the cost of individual ISDS systems.

Larry Green pointed out that this Board has determined that central sewer is economically inefficient and impracticable under the terms of the "development agreement." He asked Dean to prepare the information on cost in case the Board wanted to get into the issue of cost comparison. He asked the Board to determine how much the economic issue is a subject of discussion this afternoon.

Don DeFord asked Larry Green, the system being proposed was not discussed at the time of the adoption of the PUD Resolution or the "development agreement?"

Larry Green stated that was correct, it was not.

Chairman Smith indicated the Board had a legal question they needed advice and requested an Executive Session.

### ***Legal Questions - Executive Session***

A motion was made to go into an Executive Session to obtain legal advice by Commissioner McCown regarding Resolutions and seconded by Commissioner Martin; carried.

A motion was made to come out of Executive Session by Commissioner McCown and seconded by Commissioner Martin; carried.

Chairman Smith reminded Larry Green that he had asked the Board a question on the issue of cost comparison. She said that Dean Gordon had brought up the issue of cost and the Board was satisfied with the information provided.

John Mechling of 0035 Deer Park Court - Glenwood Branch manager of CTL Thompson and does work with McLaughlin Engineering however, in this hearing, he was speaking as an individual. Two points - as a valley resident this is a great development. They have done work in all the subdivisions mentioned by Resource Engineer involving percolation tests and exploratory

drillings. He said in the area of Los Amigos, bedrock was never found and they never found water. The rock are very low moisture - percolation rates very low 30 to 70 minutes per inch and 8 to 10 locations tested with most being in the previously mentioned subdivisions. When they end up with a site difficult to figure out, he calls Ed Church. He mentioned that he also has a lot of confidence in Dean Gordon and Resource Engineering.

Larry Green summarized that this was the end of their presentation but reserved the right to rebut. Michael Erion - Wright Water Engineers commented on the previous correspondence he submitted and the latest information presented today presents no new information but did add some comments in his 5/19/98 letter. He said Commissioner Martin had asked the question regarding the engineering technical preference on ISDS versus Central Sewer. The engineer's preference from a water quality standpoint would be for Central Sewer however, there might be and are situations where location wise or otherwise where certain sites specifically lend better to ISDS particular if there is a long distance to a central system and one isn't there. The other was related to the special Sanitation District Rules and Regulations which look at connecting to existing facilities when they are nearby. What's proposed in Filings 6 - 10 are not within the actual district boundaries but rather within the potential district service area. Central sewer is immediately adjacent and for that reason they felt it was important that the applicant document for the record why the decision was made not to choose central sewer whether it was a technical feasibility issue or an economic issue or possibly a bit of both. He added that if the proposed ISDS system approach were to be adopted by the Board, his Firm did submit some comments they feel are important.

Mark Bean said that he disagrees with Larry Green's remarks made in his opening statement, saying he didn't believe the Board is making a decision here - if it were for central sewer - that would "preclude the use of ISDS anywhere in the County". There is already a policy in the Comprehensive Plan that encourages the connection into a central sewer system when it is available. That's the issue being discussed here. When a decision was being made on the civil engineering part, the Building and Planning Department did not have the benefit of the State providing any good guidance, (they've chosen not to do a job they are dictated to do by State Statute). However, he stated the Board has had better information presented to them to make a decision.

Commissioner McCown asked Michael, referring to the Spring Valley Sanitation District Service Plan, how the method of payment was set up going from Phase I to Phase II, III and IV, what were the areas of responsibility?

Michael Erion referenced as an Exhibit - Service Plan Formation of Spring Valley.

Larry Green objected to the admittance of this into the record. He commented that it wasn't a discussion about Spring Valley Sanitation Service Plan.

Don DeFord said the witness has indicated he needs to refer to this plan in order to answer the question that has been tendered by a member of the Board. To that extent, the decision is up to the Board.

Chairman Smith said it has come up several times and Sherry stated she was going to introduce it into the record, therefore she feels uneasy about it being brought up and not entered as an exhibit, therefore she admitted Exhibit AF into the record.

Michael Erion stated it's titled Service Plan for the Formation of the Spring Valley District, Garfield County Colorado prepared by Wright McLaughlin Engineers, July 1979.

Greg Boeker - 2929 County Road 114 - answered the question. He said he was not present when this plan was formed but has been President of the District since 1988 - 89 and he viewed the document numerous times. Originally there was going to be bonds issued back in 1981 and 1983 - it was a 2 step bond issuance. At that time there were high hopes for the Spring Valley area. Los Amigos Ranch had a dense development with a lot of patio homes and condos and CMC was projecting 1200 students by 1984 - 1985; and the bond was to be a part of that process to pay for

the expansion to meet those needs. Things collapsed before this transpired. Expansion has not been necessary until just recently and now it is required.

Sherry Coloia - Attorney for Hayden Rader, contract purchaser of a multifamily lot, commented about the service plan presented. Bonds were going to be issued, but tap fees from serving all of the development including Los Amigos was also there to finance expansion. She submitted that this Service Plan was something approved by the County and confirmed by the Court creating a governmental entity. Unless the Service Plan is amended in the right form with the right notices approving areas that were previously slated to be served by this central sewer system and tap fees go in for expansion, there is going to be a violation of that Service Plan. We who rely upon that Service Plan and the District, including her client and CMC, who participated in funding this study and who opposes the ISDS systems here are greatly concerned about this as it will affect them financially in expanding that sewer plant and being able to get sewer service for her client and for CMC needs. This is vitally important for the consideration today. It's an issue other than the injury issue which is key, but on that the County has to be aware of, because there are rules and statutes which talk about how you amend a Service Plan. This has not been done in this instance.

Sherry responded to Chairman Smith's question as to the number of EQR's required prior to expansion by saying it was 360 EQR's. The ultimate flow rate was about 200,000 gallons per day. The other issue that is extremely important today is health, safety, and welfare. Larry Green submits that the failure of the Department of Health to comment results in an approval and the Board should take it as an approval. She submitted that this is not what the spirit of the Resolution that passed in 1996. The spirit of that Resolution passed by the Board of Commissioners was such that if it can be shown that if there would be no injury you can go to ISDS's. The Board was relying on the State because at that time the State would have given you an opinion. The State has since changed it's policy, which arose from a lawsuit filed by LARP against the County and others from a part of this development. At this point the State refused to give an opinion about injury from septics. Previously they commented that septics would be injurious in this area. So treating their lack of comment as an approval is really inconsistent with what the Board's charge is to do today and what the spirit of the whole process is, including what was approved back in 1996. Additionally, the burden is on the applicant to prove non-injury. This is a difficult situation where things are not built-out yet and everyone is trying to guess about what will happen. The applicant has not shown that there will be non-injury. There is a lot of questions about the assumptions made, where the water is going to flow, what the dilution is, what the mixing is if any, and lastly what the standard is. The other thing that the applicant is trying to tell the Board is that they can increase the nitrate level in the ground water up to 10 milligrams and it's not until it's increased to that level that they have problems. This is not the standard. The drinking water standards are 10 milligrams per liter is too much nitrate to drink. This does not mean that a developer can come in and dump 10 milligrams per liter of nitrate into the system. Sherry added that the management plan is extensive where the Homeowner's Association is going to institute and enforce the management of these 168 individual sewage disposal systems. She indicated that this can become a nightmare. She said Homeowner Associations are not equipped to do this kind of work. It's neighbor enforcing other neighbors John Kaufman reiterated the geology of the area, his findings, and his comments contained in his written report noted as Exhibit AA. He illustrated with various diagrams.

Sherry Coloia in closing urged the Commissioners to carefully consider their decision. It will be a precedent for the future.

Terry Eubank - 271 Cedar Court said the Homeowners in Los Amigos enforce the rules.

Larry Green urged the Board to keep in mind when they deliberate saying this issue of whether or not ISDS is appropriate for Los Amigos, Filings 6 - 10 has deteriorated into a battle of the experts where on the one hand Mr. Kaufman has taken a very aggressive position that the experts on behalf of the applicant don't really know what they are talking about and he believes in that kind

of context it is different for a board that has to make a decision as to whom to believe, whether to believe Mr. Kaufman or to Mr. Currier and he suggested they do not need to make that difficult a decision in this case. The Board retained Michael Erion as the expert and he has rendered what is an objective without a vested interest opinion about the impact of ISDS as proposed within this development and he has concluded that there is no threat to the ground water and that ISDS is acceptable. He has expressed a preference for central sewer where that is available but in his testimony today he said expressively where there are other situations where there are other considerations might override that general conceptual preference for central sewer, and as an example he used extreme length of the collection system. Larry submitted that Dean Gordon's testimony is more than adequate that this collection system is going to be extremely lengthy for an extremely density subdivision. This would be a totally different question if they were talking about 1680 units spread out over 2 1/2 miles. But that is not what is being talked about. This is a rural setting with 168 lots spread out over 2 1/2 miles of linear distance and some 12,000 to 15,000 acres of open space - an overall gross density of 10 acres to the dwelling unit. Mr. Erion's opinion about the acceptability of sewer was repeated by Bob Szrot when he said at the conclusion of the evidence that when he first took a look at the project he made some assumptions about what the lay of the land was going to be like, but then when he went up there, he understood the lay of the land was significantly different and said properly designed, properly managed, and properly installed septic systems would be acceptable in Los Amigos. Again, he expressed a generalized preference for central sewer but Larry believes he means there are circumstances where the situation, the geographic constraints, the length of the collection system or whatever, might override that generalized preference for central sewer. Los Amigos is that situation. He urged the Board to take a look at John Currier's most recent letter of May 13 as it does an excellent job of summarizing the various expert reports and will lead the Board to the conclusion that it does Larry, that these filings of Los Amigos are an appropriate use of ISDS under these circumstances. Ms. Coloia mentioned a few issues. Her position that the County is constrained not to approve this preliminary plan because of the existence of the Spring Valley Sanitation District Service Plan of 1981. Larry does not disagree with her assessment that in some measure this development is inconsistent with that service plan, however, that inconsistency was approved by the Board of County Commissioners back in the early 80's with the first amendment to the Los Amigos PUD and certainly confirmed by this Board when they did the amended PUD agreement back in 1996 represented by the "development agreement" that's been executed by the parties. If Ms. Coolie's client or CMC had a concern about development approval being inconsistent with the service plan, the time to have raised that concern was 1996 when they did the amended PUD agreement. To raise this issue is two years too late and flies in the face of a vested rights development agreement that Los Amigos has with Garfield County. The final thing, Mark says he disagreed with his assessment that a decision to deny the use of ISDS systems would be tantamount to a policy decision denying from this day forward the use of ISDS in Garfield County. He referred to the Master Plan and the statement regarding the direction to cause future development to hook up to central sewer systems where feasible. Larry said they demonstrated in 1996 with the amended PUD that hooking this 168 units up to central sewer was not feasible. They have again demonstrated that today. It is not feasible. This is not talking about compliance with the Master Plan and Ms. Coloia did not couch her arguments in terms of the Master Plan. She talked about the inappropriateness of septics wherever they might be applied for in Garfield County. Given the evidence before this Board, Larry said he didn't believe they could deny the use of septics here and turn around and let some other developer in another location make use of them. Therefore, he concluded that the applicant met their burden under the paragraph read in the opening statement in the "development agreement." He asked the Board to approve this preliminary plan application.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

Don DeFord - the Board can move forward to deliberations which must occur in public concerning the facts; you can ask for legal advice in Executive Session; or you can also ask for 15 days or a shorter time period to have the application return for a decision. One qualification would be the need for an agreement from the applicant that they would waive any previously agreed time frames within which your decision would be made.

Larry Green said if the Board feels they need the additional time, he didn't want to stand in the way of that, but they have had the written material for almost a week and this has been continued for the third time; he's uncomfortable delaying it.

Don DeFord said it is a matter of if the applicant will agree to a certain time period.

The Board determined that May 27, 1998 at 8:00 A.M. would be a good time to render a decision. Larry Green agreed to the continuance.

### ***Date for a Decision***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to set May 27, 1998 at 8:00 A.M. to render a decision; carried.

### ***County Road 109 - Aspen Glen***

Don expressed the concerns of King Lloyd and Bob Szrot as given to him earlier today.

Don said that construction of the road versus the siphon is actually occurring on the Aspen Glen portion. Don said he determined the portion of road the County is constructing must go to bid. The Statute provides that when public funds are expended on the construction of a road, county or public, it must go to competitive bid. This road is not being built with the expenditure of public funds. In that issue, from his perspective, is not an issue. However, another concern has arisen which is aside from any bidding requirements - construction is occurring. The County has had plans before King but they are preliminary plans and Bob and King expressed that construction is going forth without actual approval by the County of the road that is being built. No permit has been requested from the County for construction on the County right-of-way which then could control the type of construction that occurs, and Bob Szrot had specific concerns as to who's the management of the project so that the County will have assurance that the road that is in place, is what was designed and accepted by the Board.

Bob stated the County does not have an engineered stamped set of plans, what specifications are being used to put this road down?; who's doing the material testing?; who's doing compaction testing? Schmueser Gordon Meyer is out there, but the assuming is out there. Once this road is turned over to the County and if it isn't built right, where is the liability?

Don stated the road remains closed and the road was authorized to be closed only during the siphon construction.

Don further stated that all of this arose due to asking Bob Szrot to check this out and provide feedback to the Board as to whether or not another 2" of asphalt was necessary. Bob cannot determine this without a stamped set of plans.

Larry Green said he did not have answers to these concerns. Paving is scheduled for May 26. Larry said he would get Louis Meyer with Bob Szrot before noon on May 20 so he could give the plans and explain what was going on.

Bob Szrot said what would make him feel comfortable is 1) a stamped set of plans in order to associate liability with the design; 2) a project document that tells him what specifications they are building this road - example are they using C-DOT and the materials that tie into this; and 3) who is responsible for project management including material testing and compaction testing.

Don DeFord stated that Aspen Glen also needs to pull a permit.

### ***Executive Session - Jail Litigation***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss jail litigation; carried.

A motion was made to come out of Executive Session by Commissioner McCown and seconded by Commissioner Martin; carried.

Don DeFord stated that a motion was needed to authorize the Chair to sign a letter to the Sheriff informing him that the Board concurs with the need but not necessarily with the reasons to transport prisoners and he needs to make sure to get in front of the Board consistently to make sure his budget stays current and in regard to improvements to the current facility, the Board agrees with the necessity but not the authority of Glenwood Springs to require it and the Board would like to see if he can accommodate it within his current budget.

Commissioner McCown added, and do these numbers reflect the present occupancy or the reduced occupancy after farming out the prisoners?

Commissioner Martin so moved; Commissioner McCown seconded; carried.

***Adjourn - 6:45 P.M.***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

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JUNE 8, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 8, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were Interim County Administrator Dale Hancock and Mark Bean; and Assistant County Administrator Allen Sartin; and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Marian Smith called the meeting to order at 8:03 A.M.

***Rural Resort***

Five County Rural Resort Meeting to be held on June 18.

***Weed Awareness Week***

Chairman Smith suggesting have Gary Janicek handle an announcement regarding this.

***RFRHA - Rail Banking***

George Rousso, Ray Lloyd, Charles Ray and Walt Brown were present for the phone conference with Charles Montange on Rail Banking.

John Martin stated this was generated from the meeting he attended last Friday with RFRHA.

The concern was regarding the rails being removed and a trail replacing.

George Rousso stated the thought of Rail Banking was not a new one. This has been talked about for over three years and even before acquiring the Corridor they met with the President of the Southern Pacific Real Estate, the company that owned the Corridor, and RFRHA asked that they Rail Bank the Corridor in advance of the acquisition of the Corridor. It became a timing issue. At that time RFRHA was trying to acquire the Corridor by December of 1996 and the timing was not right and they opted not to pursue Rail Banking at that time. It was envisioned that it would be done after the acquisition. When the acquisition occurred, it was a recent rail case where government had attempted to Rail Bank a Corridor shortly after purchase and that posed a problem because they felt they didn't purchase it with the intent to try and continue rail operations, but with the intent to Rail Bank. So, on the advice of our attorney who felt it was important that we proceed to try and see if rail service could be developed on the line, what happened was, we went out with an RFP to see if there would be any interested parties. Five proposals were received and all five required subsidized service which required a significant amount of resources from RFRHA. They also wanted to have a five year window which was problematic to RFRHA as well.

Commissioner Martin asked George Rousso if the RFP didn't state they had to maintain the tracks and upgrade the tracks as well?

***Wye and Union Pacific in the Shared Use Agreement***

Chairman Martin stated that Union Pacific has the use of that even though it would be Rail Banked; they could use that as their yard and as they do now.

George Rousso Chairman of the RFRHA said Commissioner Martin's assessment was accurate - includes Woody Creek to the Wye - the Wye would not be included if the Union Pacific was not in favor. Attorney Charles Montange explained the various options to doing nothing to Rail Banking. One of the key concerns having a Rail Banking Corridor would allow participation with planning and some flexibility.

***Telephone Conference***

Attorney Charles Montange was on the telephone conference.

*Positive Aspects of not Rail Banking & Immediate Concern with the Trail if Rail Banking occurs*

Charles Montange addressed the advantages and disadvantages.

Rail Banking is a legal status that the Surface Transportation Board can grant that removes the legal requirement for the rail line owner to provide common carrier services. It protects the right-of-way from claims of legal abandonment while the line is out of service.

Mr. Montange assured the Board that if the line was Rail Banked, a separate contract with an independent rail operator could be negotiated that would consist of a modified contract of public convenience and necessity relieving the authority of its common carrier obligations. It would also allow the rail operator to run occasional freight and/or passenger service at its convenience.

#### *Modified Certificate*

Charles Montange mentioned that one approach available to a Community owned railroad is to operator it through an operator but do it under what is called a Modified Certificate or Modified Public Convenience & Necessity. This means that certain conditions must be met: 1) it has to be a line that has been authorized for abandonment; 2) owned by government entities or group of in this case; and 3) it is operated by a 3rd party operator. If you can meet all three of these requirements, then terms and conditions can be set as to when you will provide service and when the operator is required to provide service. There is no common carrier obligation on the government entity so it is not at risk of subsidy unless it really wants to. The only obligation to provide service is with the operator. The operator can protect himself from loss by specifying the numbers or conditions. Therefore, the attorney recommended the Modified Certificate approach as the safest way to approach the trail/rail situation in the valley pending the complex comprehensive planning process RFRHA is engaged in to access these federal transit dollars. The Modified Certificate process has been used with considerable success in South Dakota, Wisconsin and Vermont and it has resulted in restoration of service on some tracts. It is flexible and one that minimizes risk as long as it is used properly.

Commissioner Martin said the Modified Certificate is what Garfield County has recommended and requested from RFRHA.

#### *Wingo Junction*

The highway work with the Colorado Department of Transportation is the main issue for the rush of getting something done.

Walt Brown summarized that keeping freight and passenger service alive on the rail line is one solution that would appeal to Garfield County Commissioners. This would include that RFRHA go and try and get an operator to do an excursion train that would also pull light freight up as far as the track can go and then this would allow RFRHA to continue their planning and allow the attorney to continue and file for Rail Banking.

Charles Montange stated that this would be compatible with the Modified Certificate - PCN. In Montgomery County they said if you are going to put passenger rail on the line with freight, the STB will look to see if there is enough freight as to whether or not you are requiring some type of railroad license. If there were only a half dozen freight loads per year, the STB might look upon this as a Industrial B type use and it might not even need a Modified PCN to operate it. This is dependent upon the manner in which this contract is set up. He offered to send the Board a copy of the South Dakota contract used for their rural line consisting of freight and passenger service. Walt Brown mentioned Pitkin County in Wingo Junction and the 27th Street in Glenwood and asked how to get out of Rail Banking.

Attorney Montange mentioned it was easy to get out of and simply required a notice of termination to the Surface Transportation Board specifying a wish to terminate the Rail Banking Certificate and it will convert automatically into an abandonment authorization. Conversely, if you wish to restore rail service you send in a motion to vacate the inter-trail certificate and once this is granted, then your rail license is restored.

Walt Brown asked, in reference to Wingo Junction other than by Rail Banking, is there some other way that RFRHA and C-DOT can obtain what they want there?

Attorney Montange said there was two ways other than Rail Banking to address the situation at Wingo Junction: 1) abandon the rail line up there and 2) for C-DOT to agree and sign and do full grade separation. The problem at Wingo Junction is C-DOT is doing some of the work but not all to do grade separation and they are taking the position that they do not have money in their budget to expend to provide grade separation.

Brad Hendricks - Carbondale Representative of the RFRHA - is it possible to operate under a Modified Certificate in a non-abandoned, non-Rail Banked Corridor?

Attorney Montange stated that Modified Certificates are only available if you have an abandonment or Rail Banking authorization. So no, because the conditions can not be met.

Commissioner McCown asked under a Modified PCN, who maintains and guarantees the tracks?

Attorney Montange said a Modified PCN allows you, the government, to enter into a contract with an Operator and the contract will specify the obligations of the parties. The Certificate basically embodies them in the obligation and can specify the provisions of who is responsible for the maintenance. If you have a regular Common Carrier Certificate and RFRHA is the owner, then RFRHA has the liability.

George Rousso asked the attorney to send the contract with South Dakota on the Modified PCN Federal Express to Garfield County and also one to Ray Lloyd for distribution for rest of the Board.

Where to go from here?

Chairman Smith suggested a review of the documentation being sent prior to another meeting prior to the Board making a decision.

A meeting was set with George Rousso and Ray Lloyd next Monday, June 15 at 3:00 P.M.

### ***Fairground Contracts***

Commissioner Martin moved to approve the Fairground Contracts for Storm Ryder Rodeo, C0. - Cecil L. Ferris - for June 18, July 2, July 16, July 20, August 20, September 3, September 17, October 1 and October 15, 1998. Chairman Smith stepped down as Chair to second the motion ; carried.

### **COUNTY ADMINISTRATOR**

Mark Bean presented the report

#### **AMENDMENT TO 1997 BUDGET - ADOPTION OF RESOLUTION**

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with amending the approved Garfield County Budget and Appropriations Resolution for the 1998 budget year; carried.

#### **AMENDMENT TO 1998 BUDGET - ADOPTION OF RESOLUTION**

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with amending the Garfield County Budget and Appropriations Resolution for the 1998 budget year; carried.

#### **PAYMENT OF BILLS/APPROVAL OF PAYROLL**

Mark stated due to the lack of having a meeting the first part of June, he authorized the release of some checks due to vendors expecting payment.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the payment of bills and payroll; carried.

### ***New Assistant County Administrator***

Allen Sartin was welcomed to Garfield County staff by the Board of Commissioners.

### **JAIL DISCUSSION**

Commissioner John Martin gave the report in Tom's absence.

### ***Jail Count***

Total in jail 129; 29 main jail; 30 Work Release; females -7; other jails - 36; 10 Home Detention; 0 Day Reporting; 15 Workenders; 2 State Hospital; DOC - 7. In other jails included: 13 in Clear Creek County; 1 in Eagle County; 20 in Summit County; 1 in LaPlata County; and 1 in Pitkin County.

### ***Community Operations***

Dale Hancock reported on the temporary facilities for the jail on the UPL site.

### ***Temporary Facility***

A number of proposals have been received and he is preparing to go forward. Spacemaster submitted a good proposal.

Dale stated this cost does not address the "building cost" and asked for discussion. He felt he could quantify the costs by the end of the week including the City hookups.

### ***UPL Property***

The Board directed Dale to post a No Trespassing Sign where the old Lift-Up House was demolished and removed.

Al Maggard reported their regular Board meeting will be held Thursday at noon.

### ***Audit Letter***

Don DeFord reported that he talked to the Sheriff and his Attorney and the Sheriff will not participate in discussions without his attorney being present. Therefore this was rescheduled.

### ***EMF - Snyder***

Don reported that he had two discussions last week with Clem Kopf who was asked to take a look at the property from the perspective of EMF hazard if any. At the present Clem prefers not to give the Board a formal written opinion. Initially, his view from his perspective as an electrical engineer and the literature he has read, it has not been shown to any degree of certainty that EMF poses any health hazard. The other is that it is not conclusive and there has been a great deal of litigation that has evolved from a public perception as to it as a hazard. His recommendation at this point is, if you want to avoid the potential of litigation, that you avoid a site that inflates that type of claim being in close proximity high electrical lines. He did have a change to go out and take a look at the site and left a message. There is one 30K line that is remote from any possible facility so this was not a concern. There was a 25K and 2 - 69K lines that were in close proximity that he was told would be the likely site for a facility and he thinks those would pose the problem of perception as opposed to an actual hazard. And his recommendation was to avoid that potential site for that reason. In terms of Communications interference, his view is that this can be mitigated.

Commissioner McCown asked if anyone was willing to give a definition of "close proximity?" Don stated the site he was shown in his opinion would be too close.

### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Don invited some citizens - Vance Wagner - who had some concerns/complaint on Road and Bridge in the Chelyn Acres Subdivision.

Vance Wagner stated he submitted a letter to the Board that addressed the situation he wanted to discuss with the Board. The property he purchased in 1994 is up on Four Mile Road known as Chelyn Acres. The property in dispute is the NW corner of the cul-de-sac. On 2 June, 1998 the County worked on the roads and bulldozed on his property and moved dirt. He was amazed at this because he had no contact from the County. Therefore he had two issues: 1) determine the intent of this area and why wasn't he contacted and 2) there seems to be some confusion as to who's property is it.

Kenny Gardner - foreman of East end from Road and Bridge explained that the County was going to chip and seal the Chelyn Acres Road this year; they were establishing the culverts; pulling the bar ditches; and Road and Bridge had been asked to enlarge the turn around. Mike was running the loader up there and one of these gentlemen, Keith or Vance, convinced Mike to enlarge the turn around up there. Kenny had instructed his men to just pull the bar ditches up there because it wasn't our property and they would have to go through procedures to do anymore. His men went beyond instructions. Later, one of the property owners told Mike he was on private property and asked him to stop. Kenny went up and inspected the area and his man went 10 feet beyond the turn around. This area included approximately a 50 foot diameter.

Keith made all the agreements with the employee from Road and Bridge saying it was his mom's property.

Don was contacted and both property owners were present.

Bruce Lewis - 0401 CR 149B High County with High County Engineering - was asked to make a comment about the original cut made on the property approximately 6 years ago. Bruce stated he has an access to Vance's property to his house which is even further back. He's lived there since 1985 - he owned the property since 1981. In response to the County having a turnaround, prior to this recent excavation, was that he knew the previous owner before Wagners purchased it - Linda and Richard Ullmer - and Linda consulted with Bruce when she was asked by the County to put in the small cul-de-sac this was five or six years ago. King Lloyd actually called Linda and asked Bruce to talk to King to make sure everything was okay due to his background with High County Engineering. King came in, with Linda's approval, and excavated it a bit without damaging the trees and all the Oak Brush there. There is some question of the property line between the North boundary and Vance's property. High County did the ILC and the ILC actually shows the existing small cul-de-sac put in by King Lloyd put in 1991 or 92. You can see that it is not within the right-of-way that was proposed for the cul-de-sac where it was widened.

Keith Ripschula - 1181 South Beech Drive in Lakewood, Colorado stated his folks own the adjacent property. The previous owner agreed to put in a turn around so County vehicles could access for snow plowing. He said when Mr. Wagner came over on the first of June to my house to give me the improvement certificate which is not on the survey, he told me they had been trying for years to enlarge this for a school bus. He thought it would be fine while they were up there to scrap about 6 - 8 feet. They did dig up some Saris which he regrets because he hates to see foliage disturbed and destroyed; but that's what happened and he authorized the enlargement of the cul-de-sac.

Don DeFord verified that Mr. Wagner is correct, the Chelyn Acres plat was never recorded because of the conflicts in the survey lines. All lots are by meets and bounds and there is nothing to dispute what Mr. Wagner said. Mr. Wagner wants this addressed; therefore how does Board want to address it?

Vance Wagner stated he was pretty shaken as one of his employees died unexpectedly last night from a tragic accident and asked if this could be postponed. He said he would be interested in exploring this for a school bus pickup.

Don commented that the record should reflect that Mr. Wagner wants this explored.

Commissioner McCown asked about the chip/seal.

Kenny Gardner stated it was scheduled for July 13th.

This was postponed until June 22 at 11:45 A.M.

Don DeFord suggested the County Surveyor should be asked to work together with Bruce Lewis to locate the property lines.

Keith stated he has an ILC he can bring to the next meeting.

#### **COUNTY BUSINESS-EMPLOYEE OF THE MONTH**

Judy Martens of the Library was named the Employee of the Month.

Judy's Grandmother, Jaci Sphuler and Darlene Merritt were present.

## **BUILDING AND PLANNING REPORT**

Mark Bean gave the monthly report and submitted handouts to the Board explaining the permits and activities.

The May report shows 135 permits to date which is lower than last year as well as previous years; however, they are high in revenue due to the Aspen Glen Homes. Single Family - 88; Stick Built - 60; and 28 - Manufactured.

### **FINAL PLAT: PONDEROSA SUBDIVISION - LOCATED NORTH OF RIFLE OFF OF HWY. 13**

Mark Bean and Don DeFord were present.

Mark submitted the Subdivisions Improvements Agreement and the Final Plat stating it had been reviewed by Don DeFord and signed by the appropriate individuals..

A motion was made by Commissioner Martin to authorize the Chair to sign the SIA and Final Plat for Rose on the Ponderosa Subdivision Plat. Commissioner McCown seconded; carried.

### **FINAL PLAT: LONG SUBDIVISION - LOCATED SOUTH OF NEW CASTLE OFF OF COUNTY ROAD 314**

Mark Bean, Don DeFord and Debbie Dooley were present. Don explained that this is an irregular plat and SIA. This is a very small subdivision resulting in only two lots. First, Ms. Dooley asked to make a record of the fact that because there were only two new lots created and they should only be required to pay two school impact fees; secondly in this case they have elected to go forward with an unincorporated Homeowners Association rather than the normally corporate - this has been accepted in the past; because of this, the water system and water rights cannot technically be transferred before there is any conveyance of lots - the lots have to be created, the conveyance has to occur then the unincorporated association can accept the conveyance of the water rights and the water systems. This should not occur regularly, but for a subdivision of this size it does seem appropriate. Normally what is required under a regular Homeowners Association is that this occurs at the same time that the plat is recorded. With this Don did recommend it be approved by the Board.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to take the recommendation of staff and approve the Long Subdivision and authorize the Chair to sign Final Plat; carried.

Don stated this should be signed and notarized and brought back so the Chair can sign it.

## **DEPARTMENT HEADS**

### ***Oak Creek Subdivision***

Mark Bean submitted the Amendment for Unit 1 Block 5 Lots 16 and 17 - Oak Creek Subdivision previously reviewed by the Board and explained this was moving a lot line for building purposes.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign; carried.

### ***Resolution and Plat - Duplice/Foster***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution and plat for Tamara Duplice/Foster; carried.

### ***Byers/Kriz - Dakota Meadows***

Mark explained the owners are Nancy Byers and Don Kriz of the property in question. There is a 15 foot easement put on the Dakota Meadows Subdivision Plat for pedestrians and no one can figure out why. Mark determined through research that it belongs to Nancy Byers and the adjacent property owner is Don Kriz.

Chairman Smith stated she believed this to have access of the public lands.

The Board asked Mark to look deeper into this and report back.

***Resolution - Hammes***

Commissioner Martin moved to have the Chair authorized to sign a resolution concerned with the approval of a Preliminary Plan Application for the Hammes Subdivision. Commissioner McCown seconded; carried.

***Resolution - Floodplain SUP - Behr***

Commissioner Martin moved to have the Chair authorized to sign a Resolution concerned with the approval of a Special Use Permit for Douglas Behr. Commissioner McCown seconded; carried.

***SUP - Kennedy - Rifle Village South***

Commissioner Martin moved to authorize the Chair to sign a Resolution concerned with the approval of a Special Use Permit Application for Donald and Carol Kennedy. Commissioner McCown seconded; carried.

***Brenner-Harr - Vaughan***

Mark presented the standard contract for the design/build regarding the work within the Courthouse. Don stated he had reviewed the Contract. Commissioner McCown authorized the Chair to be authorized to sign the construction agreement with Brennar-Har/Vaughan for the remodeling of the Courthouse; carried.

***Bradley - Engineer - Rifle Village South***

Mark stated the Engineering Firm did some core drilling in the roadway in Rifle Village South. Currently, they are reviewing the reports. Commissioner Martin added that Mr. Bradley had called him and inquired as to what was going on.

***Sally Walker - Antler's Orchard***

Mark stated this involved the moving of lot lines creating a 5 and 7.472 acre tract out of what was slightly less than 5 and a 10. These are AOD lots providing access to all lots. He requested the Chair be authorized to have the mylar drawn up and signed. Commissioner Martin so moved; Commissioner McCown seconded; carried.

***Extension***

Pat McCarty presented the report. He stated the Garfield Youth Services worked at the Courthouse and removed dead shrubbery on the West side.

***Horse Camp***

Will be held June 22 - 26 and there is a limit to 50 this year.

***Money 2000 Program***

Pat explained that this was a consumer program to help people save \$2000 or to decrease debts by \$2000 by the year 2000. He indicated there was a write-up about this in the latest issue of News and World Report.

***Request for Proposal Publication - Arena***

*RFP* - this didn't include the removal of the existing structures. It should have been an *RFQ* which included the new building and removal and relocation of existing structures. The Board decided they would split the bill. The Board will pay this bill and Extension will pay for the next legal notice as an *RFQ*.

***1997 - Budget Saving - Summer Intern***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the expenditure of \$2,710 for the summer intern for extension; carried.

***Fair***

Fair time is fast approaching and Extension will be turning over to the leaders the Fairbook on June 17 at the Livestock Hearing Committee Meeting. Things are progressing well.

### ***General Information***

Dale Hancock said he had received a proposal from Phones West Systems to local a repeater in the Lookout Mountain building that houses television translators and public radio presently. They would like to occupy the building in exchange for providing the County with pagers and paging services.

The Board authorized Dale to pursue it.

### ***Department of Public Safety***

Dale stated that Ed Camp, Director of Public Safety was willing to present to the Board the film on Community Corrections.

The Board stated they did not wish to have a presentation. They understand what Community Corrections is all about.

### ***URS Greiner***

Dale stated the Site Development budget was \$6736 and he has a bill through May 22, 1998 for \$5500. In discussions with George McKinnon there is about \$70 left in this contract and if the Board is planning to have that Firm do additional work, it would require a contract modification.

### ***County Road 109***

Don said he had a statement from Sam Phelps that indicates the County should receive final legals from his perspective on June 10. Don added that his concern was this: on June 2 Louis Meyer sent to Don, King, County Engineer and Sam Phelps a memorandum indicating from his perspective the design and location of the road has not been finally determined. Based on this memorandum from Louis, whatever Sam Phelps gives us would not be an accurate description of the road. Don further stated there was a memorandum dated May 4 indicating that with certain specifications we're ready to go. King has indicated to all of us that he approved the design. Last week Sam Phelps was informed that the center lines of portions of the road were in error and now the memo indicates there are a number of issues to discuss.

A date was set for July 6 - 3:00 P.M. for further discussion on County Road 109.

Louis Meyer, Sam Phelps, Allen Sartin, Bob Szrot and King Lloyd were requested at this discussion.

### ***Property - Donegan Road***

Don stated that John Baker has offered the sum of \$40,000 for the County-owned property on Donegan Road. He stated the Assessor's current valuation is appraised at \$48,000.

Chairman Smith indicated this was the old gravel pit. There is a drainage pit on that property. She indicated that the Board should decide whether to sell this or not. However, she was under the impression that an evaluation was for \$90,000.

Commissioner McCown stated he would not be willing to accept a price less than the Assessor's valuation of the property.

Mildred Alsdorf was asked to search the minutes and see what she could find.

### ***Executive Session Personnel - Personnel Director***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

Barbara Ramirez, Dale Hancock and Mark Bean were asked to be present for the meeting.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of the Executive Session; carried.

## **EMERGENCY MANAGEMENT UPDATE - GUY MEYER**

Guy Meyer and Dale Hancock were present.

*Fuel Moisture Content*

Guy submitted the report off the Internet on fuel moisture content.

*Fire Ordinance*

Guy stated that BLM was doing their own. He had talked with Hal Combs of the Forest Service and discussed this concern.

*\$2900 Grant - Software - Mapping*

Guy presented a demonstration as to how the mapping can be used for development purposes. He indicated this would be a good reference for planning. Rob now has the capability to scan an aerial photography in the GIS System and vegetation maps.

*Human Services Grant - Legal Services*

Dale presented the contract the Human Services Grant with Garfield Legal Services for signature of the Chair.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Human Services Grant with Garfield Legal Services; carried.

**PUBLIC HEARING: PUD ZONE DISTRICT AMENDMENT TO ALLOW ZERO LOT LINES SINGLE FAMILY DETACHED DWELLINGS IN THE MDR & CAR ZONES: APPLICANT: BATTLEMENT MESA PARTNERS**

Mark Bean, Don DeFord, Bill Wilde, Allan Thulson and Debbie Dooley were present.

Don determined that adequate and timely notification and publication were in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

The following Exhibits were presented for the record: Exhibit A - Proof of Publication; Exhibit B - Application and Attachments; and Exhibit D - Project Information and Staff Comments.

This is a Planned Unit Development (PUD) Zone District Text Amendment to the Battlement Mesa Medium Density Residential and Central Area Residential for Battlement Mesa Company.

The project description is proposed to amend the PUD zone district text to allow for "single family detached dwellings" as a Use by Right and have a "zero-lot-line."

***Recommendation:***

The Planning Commission recommended APPROVAL of the requested amendments of the Battlement Mesa PUD zone district text amendment to allow "single family dwellings" as a zero-lot-line, in the Central Area Residential and Medium Density Residential zone districts.

A motion was made by Commissioner McCown to close the public hearing. Commissioner Martin seconded; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the Zone District Text Amendment for the Battlement Mesa PUD Zone District Text Amendments Section 3.0 Medium Density Residential and Section 4.0 Central Area Residential affecting zero lot line; carried.

**FINAL PLAT: FAIRWAYS SUBDIVISION**

Mark Bean presented the final plat for the Battlement Mesa Fairways Subdivision.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the final plat for the Fairways Subdivision; carried.

**AUDIT MANAGEMENT LETTER**

Colette Barksdale, Sharon Brenner, Allen Sartin, Dale Hancock and Mark Bean were present. Sharon presented the audit review of the management letter and handed out information. Discussion was held.

Sharon gave a review of the federal law changes.

She stated that a clean opinion was issued; data was available; and she had sufficient help from accounting, treasurer and Social Services.

### ***Revenues and Expenditures***

Discussion was held.

Sharon stated that her policy is this: if the item was ordered and serviceable on December 31 but not paid until January or early February, then Sharon counts in as the year the audit is being done.

### ***Management Letter***

This was discussed but the issues were postponed involving the Sheriff's Department until he and his attorney could be present.

Chairman Smith mentioned they had 29 computers from 7 different agents.

Sharon also mentioned that spending past the December 31st deadline is a no, no.

Chairman Smith indicated that Chuck Deschenes, former County Administrator issued a letter yearly but perhaps it needs to be stronger.

### **ROAD AND BRIDGE DISCUSSION**

Mike McBreen presented a proposal for the mag chloride - King asked him to get bids from GMCO and Harry's Heavy Haulers.

Harry's Heavy Hauler's bid was \$25.5 per gallon and GMCO's \$26.5.

Commissioner McCown recommended approval for Harry's Heavy Haulers bid for \$25.5 a gallon. Commissioner Martin seconded; carried.

### ***Garfield Creek - Alkaline Creek and Dry Fork***

Marvin stated there was a couple of washouts on the metal bridge at Roan Creek and one on Dry Fork.

Other issues discussed included the West end of Mesa County; Baxter Pass - Stove Canyon; the Courthouse in Rifle Parking Lot patching holes and then chipsealed; White River Avenue in Rifle; New Castle projects - cooperative effort; cleaning of bar ditches getting ready for the chip seal application; and an additional staff being hired to mow weeds.

### **BARRETT ENERGY - PIPELINES FOR COUNTY ROAD 320**

#### ***County Road 320 - Special Conditions for Cut***

Marvin Stephens and Brad Moss from Barrett Oil were present and the memorandum dated May 21, 1998 was submitted that explained the special conditions that shall exist for the project over and above the normal conditions stipulated in the permit.

This was carefully reviewed and discussed.

Brad Moss stated that Barrett Oil was in agreement with the Savages to cross their property.

Commissioner Martin stated since this involved fences, which he feels are a commonly disputed issue, he would like this addressed in a letter in a brief sentence or two and submitted to the Board for their record in the contract.

#### ***Beaver Creek Road***

Commissioner McCown asked if Brad had been involved in the pipeline on Beaver Creek Road far as transporting.

Brad stated some of their wells are produced on that line but they did not have anything to do with the construction of it.

Commissioner McCown indicated there was to be a cost sharing of repairing the road due to the pipeline.

Commissioner McCown indicated they had reached a snag due to who was going to pay for the repairs on the Beaver Creek Road.

Brad stated that he had only heard there was a dispute in Battlement Mesa.

***Motion to approve special cut on County Road 320***

Chairman Smith - Condition No. 10 was added for the additional of the Savages regarding fences. Commissioner McCown moved to approve the permit for the Pipeline Construction on County Road 320 for Barrett Energy with the 10 conditions as listed on the May 21, 1998 which included the fence agreement with the Savages. Commissioner Martin seconded; carried.

Chairman Smith stated the Board will need a copy of these conditions that include Condition No. 10 - the fence agreement before she can sign it.

Brad stated he would have Joanne Savage submit that to the County within a couple of days.

**PUBLIC HEARING: SPECIAL USE PERMIT FOR FABRICATION OF WOOD PRODUCTS, LOCATED APPROXIMATELY 3 MILES NORTHWEST OF SILT ALONG COUNTY ROAD 259. APPLICANT: DAVID SANTE**

Mark Bean, Don DeFord and David Sante were present.

Don determined that adequate and timely notification and publication were in order and advised the Board they heard who the applicant mailed notification to and said the Commissioners were entitled to proceed.

Chairman Smith swore in the speakers.

The following Exhibits were presented for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and attachments; Exhibit D - Project Information and Staff Comments; Exhibit E - Letter from Bill Erickson after the staff packet was put together and Exhibit F - Letter from Chip Clark received today.

Chairman Smith entered Exhibits A - F into the record.

This is a Special Use Permit for a natural resource processing facility, specifically a log home construction site on a 41.6 acre tract of land located off of Jewel Lane, approximately 3 miles northwest of Silt.

The applicant is requesting a special use permit for natural resource processing to allow for a commercial log home construction business. The applicants put log home kits together on the property, using logs hauled onto the property by trucks. This is not the complete kit for the log homes. The logs would be stored in a small pile on the site and then used to prefab components for log homes on the property. Sewage is disposal by the use of portable toilets and domestic water is brought on the site. Access to the site is off of County Road 260. Mark suggested the number of trucks could be limited to 5 per week and days and hours of operations. He added these were mentioned in the recommendations being made by the Staff to the Board.

The use of the road is a valid concern and Mark said he was not aware of it at time of the Staff Report.

David Sante - commented that this is pieces of log homes and not the entire log home. Also he cleared up the distance saying it was 287 yards from his property line. Work hours were being requested from 7 a.m. - 5:30 p.m. saying these hours are more than adequate and did not want to bother people. This history of his operation is in Vail/Aspen. Sound generation from the pad was tested with the results at 54 db, and 50 db is residence and background music is 60 db. Chain saw is 85 db and well below the 90 db allowed.

David mentioned in the future he wanted to apply for a building permit to add another structure for a residence.

Diana Middleton - neighbor of Mr. Sante had opposed parties sign the letter dated March 25, 1998 saying her neighbors are against the proposal on Jewell Lane. Traffic; agriculture;

livestock; as well as the fire hazard are the issues and she asked for a denial. The neighbors were not aware of this proposal. The Jewells did not sign.

The Petition was submitted - Exhibit G.

Chairman Smith submitted Exhibit G into the record.

Nancy Street - 6599 County Road 269 joins the Sante property and she was very upset. She mentioned the devaluation of property; close proximity to residential; operation would be an eyesore; potential of expansion; opposed to heavy vehicles; road damage; traffic concerns; and basic interruption of the area viewed as "dream homes." Nancy further stated her plans included a metal building and barn as well as a house. They shoot professional for ATA and will store loading equipment for their guns, saddles, etc. in the metal building.

Commissioner McCown asked if Nancy was aware that under Agricultural Zoning, gravel pits, logging - it's all concerned agricultural mineral extraction and again relates back to Agricultural categories. He also mentioned that it was a very unpopular statement to make but people who have lived in the area for a long time, and part of them are the ones selling their land, find that what is taking place up there is just as offensive as the ones here today objecting are finding Mr. Sante's operation.

Mark said this is a SUP which is why we are in this hearing. Those types of uses are allowed in the part of the Zone District Text Amendment and this is why this application is being considered. Some people are under a misconception - Mr. Erickson was and called Mark - Mark clarified that this is not a rezoning - it is a SUP; and if the Board of County Commissioners approves then they can restrict hours of operation; but this is allowable in this particular zoning. It was there when she bought the property.

Nancy Street stressed they were concerned about resale and added they will lose everything they worked for all their lives.

Chairman Smith - asked if this was possibly something that Mr. Sante could do inside a building?

David Sante - said it was; however he would be willing to put up a 14' high juniper screening on his property.

Nancy Smith - reiterated that this will not do anything toward the reappraisal value of their property at what they have in it.

Mark Bean stated that protection of property values is a concern the Board can consider in a SUP.

Diana Middleton - 1530 CR 259 commented that the values of the property will be adversely affected. Each of the homeowners have brought in gravel and taken care of the road. She agreed that everyone does have a right but encouraged the Board to look case by case and ask - is it the best place for it? They have these types of operations on the service road but not in their area.

Eric Molthen 1530 CR 259 said he was not against Dave building some furniture out there and doing some tresses but he is against a big operation and against big rigs going out there. If he can pull these trusses and logs behind his truck on a 40 foot trailer then he will not object. He also thought that if Dave Sante put exactly what he was going to do and go to everyone who signed the petition and or take the time to talk to them, and they rescind, then it's a different story.

Everyone in the immediate area is against big rigs going up there.

Commissioner McCown stated he sees a perception problem in the size of the operation and that is setting off the fear factor. Therefore, he thought this suggestion was a good idea.

Nancy Street - commented that they were not notified about this hearing, they had received it from Diana Middleton. She also stated that the homeowners are paying to upgrade the road and therefore are paying to have the heavy lumber and concrete trucks use the road.

Chairman Smith asked then if Nancy Street was an adjacent property owners>

Mark Bean said yes, they were adjacent homeowners and yes they did receive the notice.

Don DeFord verified that he had returned receipt and verified the address.

Mark clarified that the signature was not legible.

Commissioner McCown - reiterated it was mailed and signed for.

Commissioner Martin suggested that the fairest thing is to allow Mr. Sante to go ahead and contact the people and if they stay affirmed with their signature then they need to voice their opinion in public forum and to allow Mr. Sante the opportunity to better explain his operation and discuss this with his neighbors. This is neighborhood concern obviously.

Mr. Sante asked for a copy of the petition.

Mark Bean suggested that Mr. Sante consider submitting a better site description, some bearing and/or vegetation, take photos, submit details, consider a building, etc.

The matter was continued until July 13 - 3PM.

A motion to continue this Public Hearing until July 13, 1998 at 3:00 P.M. was made by Commissioner Martin and seconded by Commissioner McCown; carried.

**CONTINUED DISCUSSION: UPDATE OF 1994 SETTLEMENT AGREEMENT AND RESULTS OF 1997 IN-HOME AND OUT-OF-HOME REVIEW - DEPARTMENT OF HUMAN SERVICES**

Margaret Long, Colette Barksdale, Resa Fillis, John Daurio from the State Department, Ellen Green Technical Assistance Coordinator, Jim Snyder and Andy Fellman Field Services for this area and Carolyn Dahlgren Assistant County Attorney were present.

Chairman Smith stated the letter the Board received from Mr. Daurio made her very disturbed and she thought it was one of the most untruthful letters the Board has had and since they seem to get mixed messages on whether this same letter was sent to all other areas of the State or whether Garfield County was singled out - she would like to get this clarified.

John Daurio said the letter was sent to middle sized counties in the State depending on their compliance/non-compliance scores with the Settlement Agreement. The wording was adjusted based on how much or how less the County was in compliance. So, Garfield County was not the only County who received this letter.

Chairman Smith asked if Garfield County was the worst?

John Daurio said he did not think his letter stated that Garfield County was the worst.

Margaret Long clarified that this was stated verbally.

John Daurio said out of the middle sized Counties around the State at that time with the review results they received, Garfield County had the worst scores for the Settlement Agreement for that time period. His review of the progress Garfield County has made since then indicates that's no longer the case. Garfield County really has improved and has made an effort to show that.

Chairman Smith added that this could have been handled better; she doesn't know who to lay the blame to for the misinformation but this Board was told not only middle sized, but also of the 10 large Counties too, that we were probably the worst. She found the letter to be the first time this Board was informed and this could have been handled much better. However, we want to get this out on the table and get it taken care of, hear all sides and move on.

John Daurio presented the following information: The settlement agreement began in 1994 and prior to that it was a lot of negotiations with ACLU. They withdrew from their lawsuit to the State because they were moving toward a negotiation settlement agreement with the Colorado Lawyer's Committee. Both State and Counties participated in drafting the language for that agreement which was signed in February of 1995. Since then review instruments and statistical methodologies have been implemented to determine how the status and compliance is within in the Counties and how they were doing; developed instruction manuals available for the Counties for staff to understand what the specific requirements of the settlement agreement were; provided technical assistance and reports to the Counties on the status of their compliance so that they would know what areas needed to have improvements and those to be targeted. The requirements were very clear and they tried to communicate those in ways that people could understand. None of the requirements in the settlement agreement are extreme. They are reasonable, good practice, and if we did these things as a State, we would improve the lives of families who come under the auspices and services of Social Services. There's been a number of training efforts and forms developed by the State. Garfield County has developed some forms also to track how progress is

being made within the County against each one of those settlement agreement requirements. Those forms are very useful as well. There's a checklist; an intake and investigation summaries; and a family services plans that if all are completed, they walk a case worker through exactly what is required to meet the terms and conditions of the settlement agreement. One of the problems that Garfield County has struggled with in the past was not completing the forms that existed as far as they could have maybe due to not understanding them but he knows that some of the progress made is due to Margaret Long and the administration who has addressed the attention to those forms that are actually guiding workers to document the services provided. John added that they can not make a determination if a service has been delivered or if the service has been provided without the documentation. This is really critical.

John Daurio continued - as of December 1998 the State and the Counties have to be in compliance with the proceeding 12 months so it is very important for all of us to really make sure we are in compliance and Counties who are not in compliance, and there are only a few left who are not showing the progress that he thinks Colorado Lawyer's Committee needs to see, could jeopardize the entire State's settlement agreement. It could be extended another year or more. Most consent decrees and litigation filed with the ACLU has been ongoing for years - 20 years - and our intent in Colorado is to demonstrate that we have taken this seriously, made considerable progress, come along way since 1994, and are very close to meeting substantial compliance with the terms and conditions of the settlement agreement. Consultants have been hired, outside experts to come in and look at how the State is on compliance, and taken a very specific approach to compliance. They are looking at individual Counties, individual elements of the settlement agreement and measuring the compliance scores. John said they want to deal with then in this final year in a position of strength. Colorado has increased the staff by 500 since 1994 throughout the State, have millions more dollars generated from general revenue that's available for core services and other programs in the Counties; and it has done a great service to Colorado. Everyone can be proud of the accomplishment that everyone has made.

Chairman Smith - asked about the deadline - she thought they were told September - has this been extended to December?

John Daurio said for the whole State is has to be December, but they have to show that they are in compliance in February, August and September. The September timeline for Garfield County applies to the in-home review they are going to do in August. The in-home cases are those where the child remains but service and intervention is required from the County Department. These reviews are done once a year and they are really critical. Last year Garfield County had 21 elements out of compliance on that review. In May 8 - 9 cases were looked at with Margaret Long and it is indicating that many of the areas are being addressed and hopeful it will show in August that there has been considerable compliance. Each review that is done, in-home and out-of-home looks at the previous 6 months of activity for that case.

Chairman Smith asked about the State's compliance and asked where they were on theirs?

John Daurio said he could send the Board a copy of the settlement agreement. It indicates a number of areas: revenue generated - maximized; demonstrated staffing - required 390 but they brought in 500; training of new case workers and ongoing workers and supervisors; and data and information system that must meet federal reporting requirements for an information system. John said they were 95% in compliance with that one; quality assurance - demonstrate the methodology is valid, reliable and the information gathered from that is accurate and credible; adoption services - a task force had to be formed several years ago and when they come up with recommendations, the State has to implement them; core services which includes services to children, day treatment, family treatment, sexual abuse treatment - all of these must be available Statewide; and each County has to do a needs assessment every two years to make sure the needs are being met. The State must make sure that needs are identified and service provided.

John Daurio commented on the fact that Margaret Long submitted a Work Plan for in-home and out-of home review. The out-of-home reviews are measured by the quarter (every month reviews

are performed on out-of-home cases in Garfield County) and every single child who's in placement receives this review. The in-home cases are different, the State takes a sample and evaluates it.

According to this work plan, a good plan is in place that is very beneficial and shows considerable improvement. This needs to continue. The reviews of the October 1997, which were reflective in his letter to this Board, and the findings through the January through March of 1998 reviews not reflected in his letter and then those that are still problematic, Margaret identified with a solution, who's responsible, etc. The format is good and positive for John to see and it addresses who's responsible. The number of errors that were in the out-of-home reviews in the October time-frame were 16. The number of errors in the January to March were 6. This reflects considerable improvement there and commended Margaret for this, however, he stressed that improvement needs to continue. The other one has to do with dental checkups and this is a problem throughout the State and not only in Garfield County.

Chairman Smith addressed the travel concerns when out-of-home placements are on the Eastern slope and referenced travel risks involved suggesting that the State should step in and assist.

John Fellman stated they would bring this up again in their District Meeting.

Commissioner McCown asked about frequent reports that were sent to the Counties on compliance - how frequent and who were these sent to?

John Daurio stated they were sent to the director and the out-of-home review reports were left with the County staff. The in-home reviews were provided a formal report within 3-4 weeks and they were prioritized the areas that needed to be addressed. Since July of 1997, quarterly reports have been provided of out-of-home reviews as well. John mentioned that part of the work plan identified some tasks that were targeted for completion as of May 1, 1998 and some flow charts were provided as well.

Margaret Long said all of the in-progress reports have been completed and now the issues is keeping these in place.

John Daurio mentioned the Senate Bill 218 that passed last year provided each a new capped allocation so each County received a block of funds, beyond which they could not expend. He said that Margaret has managed that well and there are some funds in administration (80% State and Federal and 20% County match as well as another line which purely is 100% State dollars) and those are for all County administrative purposes which includes staffing, salaries, operating lines and this being the last quarter of the fiscal year, Garfield has under expended and they have some flexibility to use these funds if this Board and if Margaret makes a case for dollars to add additional resources. One other comment about case loads, part of the requirement with the settlement agreement that's a Statewide requirement, is that they have to show not only additional staff were hired but the case load that each case worker carried was reduced by the additional of those new staff. They did an analysis just recently of the October, November, December 1997 time-frame and looked at households and Garfield County is slightly higher case load to clients than others in the State.

Chairman Smith asked which Counties in 1997 were error free and who are they?

John stated Logan, LaPlata, Weld and Los Animas.

Margaret has talked to them to see what can be borrowed since they are doing such a good job. Additional discussion was held.

Chairman Smith again reiterated to John Daurio that his letter was to get action and he did, but in retrospect he might think about sending a letter like that not quite as pointed as it was - this created bad publicity for everyone. This Board wants the real facts of the case and what needs to be done. When she found out that other Counties were sent the same type of a letter, it singled out Garfield County unnecessarily. She asked that the Board be copied prior to getting into this position.

John Daurio said he appreciated her perspective.

Commissioner McCown inquired as to Senate Bill 218.

John Daurio said it actually provided a different way of funding County operations. In the past when children were placed out of the home, if they met out of home placement criteria and it was appropriate, then the State reimbursed the County 80% up to whatever the number of placements were. Senate Bill said we will not give you a capped dollar amount and you have to manage within that so if you have placements that exceed within that cap, you have to either manage and reduce the high cost placements, serve them in different ways, or pay for those out of other County moneys if it exceed your cap.

Commissioner McCown stated that Margaret has done a good job with that, but the whole part that scares him is who has the control of the amount of money that this is capped at?

John Daurio said it was a Child Welfare Allocation's Committee. The dollar amount is appropriated by the Legislature through the Joint Budget Committee.

Commissioner McCown's concern was thinking this is all going to be great and wonderful and next year they whack the Long Bill and the Counties are on it 100%.

John Daurio stated the Long Bill for next year provided for a slight increase; Garfield was getting a 6% increase in dollars overall but future years are unpredictable.

Walt Stowe - 192 River Ridge Drive asked about a policy related to Social Services Adopted Children. His question derived from something brought to his attention about 6 weeks ago in trying to do a foster/adopt situation and his understanding was that Garfield County no longer does foster/parent - adoptive homes. Is this correct? and do they plan to re-institute that practice?

Margaret Long said she was thinking about it. We actually are no longer formally doing foster home/adoptive home placements because they ran into some difficulties. It was going well and then the management staff felt that we'd had enough problems trying to get people to be both a foster parent moving a kid back home as well as preparing to be the adoptive parent that they were going to discontinue the formal program, however, this is still occurring in foster homes. This is a lower priority under the capped allocation/settlement. It is a tricky concept but she liked it. She said they may have to just rename the program.

Walt Stowe said his wife was told not to call, they weren't doing it anymore and to quit bothering the department.

Margaret Long asked that Walt have his wife call her directly so she could hear more about the instance. It sounds like this wasn't explained clearly.

Chairman Smith once again asked John Daurio to keep the Board in the loop.

John Daurio thanked the Board for they cooperation.

#### ***Bradley - Engineering Testing - Rifle Village South***

Mark mentioned the report was in from the Western Colorado Testing. He submitted a copy for the Board to review and stated there may be some issues to discuss with Mr. Bradley. Verbal conversations with Mr. Bradley and Jerry Bauer indicated that the drilling was not done in the right spot. The report has been faxed to Mr. Bauer. The report indicated that about 45% of the test drillings may have failed to meet the compaction issue.

#### **PUBLIC HEARING - SOUTH CANYON LANDFILL - ADDENDUM TO THE CERTIFICATE OF DESIGNATION FOR A COMPOSTING FACILITY. APPLICANT: JAMES DUKE/CITY OF GLENWOOD SPRINGS**

Mark Bean, Don DeFord and James Duke were present.

Don determined that adequate publication was in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

The following Exhibits were presented for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; and Exhibit C - Staff Report and Comments

Chairman Smith admitted Exhibits A - C into the record.

This is a proposed addendum to the certificate of designation for a composting facility for the City of Glenwood Springs/CacaLoco Compost, Inc. on a site located 1.0 mile south of the I-70 South Canyon Interchange, off of County Road 134.

The applicant is proposing to amend the Certificate of Designation for the operation of the South Canyon landfill site on approximately 6- 8 acres of land included in an approximate 500 acre tract of land owned by the City of Glenwood Springs.

Mark read into the record: "The application submitted indicates that the activities are occurring in an area directly uphill of the landfill's sludge and seepage ponds. The facility is designed to grind construction wood and other sorted organic to be co-composted with sludge and seepage. The intended service area is the same as the landfill, which consist of 15 mile radius around Glenwood Springs. The active compost area will consist of approximately 0.5 acre of re-compacted native material to create a lined pond with a capacity for over 100,000 gallons of incoming sludge and seepage. The composted material will be put in two different piles, depending upon the cycle of the process. The last stockpile may be as large as 20-30,000 cu. yd.. of material for sale to the public."

Jim Duke - 256 Flying Fish Road, Carbondale stated the City of Glenwood Springs is concerned that he may not be able to develop a market and move the compost. If he wasn't able to market the product, then they would consider it just another 20 - 30,000 yard pile of trash if this was the case.

Recommendation:

That the Board of County Commissioners approve the Amended Certificate of Designation for the South Canyon solid waste disposal site with the same stipulations tied to the CD issued in December of 1997.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner Martin to approve the Certificate of Designation for the South Canyon Landfill Amendment taking the recommendation by staff as they did for the South Canyon Landfill until October 1998; carried.

**DISCUSSION: JAIL SITE DEVELOPMENT COSTS FOR WULFSHON RANCH AND HOLLENBAUGH PROPERTY - URS GREINER**

Dale Hancock, George McKinnon of URS, Don DeFord, Sheriff Tom Dalessandri, Colleen Truden, Jan Kaufman and were present.

City Representatives included:

Teresa Williams, Mike Copp and Don Vanderhoof.

Dale presented a handout from URS that explained the study on the two sites.

George presented that the County requested they submit a study on the two sites.

Wulfshon - total - \$3,302,330. Hollenbaugh - total - \$3,756,371.00.

Discussion was held in depth as to these two sites and additional considerations and George McKinnon said there were questions about both sites that need to be answered. There is room for more study and the County should take a cautious approach as well as do more geotechnical and soil settlement tests on the Wulfshon property. Settlement that could create doors that would not lock, etc. could be a breach in security. Also on Wulfshon, besides what was recommended, it makes sense to look at the long-term maintenance cost determined by engineering.

On the Hollenbaugh site an environmental assessment needed to be obtained to determine any soil contamination due to the mill tailings.

***UPL Property***

Commissioner Martin stated that George McKinnon was requesting the Board to do a very specific site review on both sites - Wulfshon and Hollenbaugh. And for us to make a truly logical and prudent decision, I think that we need to go ahead with those. And also to throw in there for

conversation is also to revisit the worth of the UPL Site. We're going into the neighborhood of just getting ready for a foundation and it is millions upon millions of dollars.

Dale - is that the third process?

Chairman Smith - yes

Dale commented that he understood the Board wanted to do the testing for further review in depth on two more sites, but then you haven't even done a site development assessment for the UPL site. I'm just surfacing that you haven't even done that.

Commissioner Martin - we still need that.

Commissioner McCown - I know that was one of the most politically explosive sites.

Dale - to the extent that this has been done, I can't ever recall having a report. George you've been with us since minute one, did we do a complete assessment on the UPL site?

George - we did some budget costs for the entire facility I guess about three or four years ago. We identified some of the utility upgrades and some of the fees that would go in there, I think this time, we're much more accurate in terms of having worked with the City Officials in terms of what they would consider the EQR's necessary and we did have some costs included in that and we could actually go back and call them out and update them. I guess we would have to verify that those assumptions are still true, that we had from the UPL Site.

Dale - they very likely would not be the same because you are talking about potentially a different building all together.

Commissioner McCown - but an EQR is an EQR.

Dale - well an EQR for 192 inmates versus 300.

Commissioner McCown - I agree but it is figured on 490 gallons.

Chairman Smith - yes, whatever EQR's are figured.

George - true, that one was based on the old requirements of the jail. When we did that the last time I think we were looking at 192 for a population so it would have to be upgraded to cover whatever new expected population is.

Chairman Smith - well, some of those may not have changed but just a little bit, just simply because building codes have changed too since that time. I think the City has adopted 1997 have they not?

Mike Copp - EQR would be the same,.... the same, everything we gave them for the Wulfshon would be the same over at the UPL Site.

Commissioner Martin - well, the only reason I say that is because we're reaching here on the overall cost of this facility no matter what.

Chairman Smith - any of them - additional site exploration should be conducted and HP is real pointed about it. I guess nothing showed up. Hollenbaugh's thought they had some stuff and they obviously didn't have anything.

Commissioner Martin I think we should have it before we make our determination and we need a motion to go ahead and authorize that, at least to gather the information and come back for a request for expenditures, I'd sure like to look at it.

George - I'm here on my nickel today so, but Don asked the question on the cost of the field, technical mitigation and I forgot to give you that. Just going through, this is a rough calculation right here, it's about 1.2 million as far as the foundation, upgrade, the geotechnical mitigation, plus you probably want to carry that contingency of 30% - we're talking the best part of 1.5 million dollars in terms at the Wulfshon site of geotechnical mitigation and additional foundation costs. That's assuming that we'd have spread footings at the UPL site. I think that would have to be determined, I think that's what it was the last time but don't quote me.

Dale - we dug some holes over there.

George - that's what I thought we assumed over there.

Commissioner McCown - and the better part of that 1.5 million, would that also wrap into the fact that if we have to go with a deep piling or pier situation with a reinforced slab on Wulfshon?

George - yes, the 1.5 is to come in and do the hydro compression that Pawlauk described to me and then using the mat foundation so that's really your worst case, but I didn't really look at the cost of a pile foundation - the more Steve and I talked this is really what you would propose.

Commissioner McCown - I can remember the nightmares in Glenwood Canyon when we were drilling 6' caissons and you'd drill for two days and then all of a sudden your bed would fall 30' through a void and then you'd start again trying to find bedrock. I have a nightmare of that.

George - that's why the whole issue of doing those preliminary tests on the footprint area identifying the footprint and then doing a deep drilling to determine those voids.

Commissioner McCown - I think that's a necessity.

Chairman Smith - well I do too.

Commissioner Martin - even to consider it, it has to be.

Commissioner McCown - I would also still like to see the necessary studies done at the Hollenbaugh site to give us a peace of mind there, and George if you could pull out your numbers and try to update them

George - based on the UPL Site?

Commissioner McCown - on the UPL site based on a 300 bed facility.

Dale, as we're moving along here, then what George - if I hear you saying what I think you're saying, you're going to have to go back to his office and start the change order and then get that in front of you guys to see how much more all these steps are going to cost.

Commissioner Martin - we understand that, but I still think it's necessary to do it, if we're going to look at it at all and make the right decision on location of the jail. We have to go ahead and do this.

Commissioner McCown - if we're willing to spend 1.5 million on site mitigation, I'm sure going to spend \$20,000 on drilling.

Chairman Smith - absolutely

Don said if we go forth with this, again the Board is going to authorize the next step for both sites, is George from URS to select the geo-tech engineer that he feels is best suited or does the Board want to elect that Firm.

George - I think we would recommend to the Board that they select the Firm. We'd like to keep our independence.

Chairman Smith - I think that's a good idea.

Commissioner McCown - I like the idea of someone out of area that's familiar with the type of terrain we're dealing with though.

George - yes, the name I gave would recommend an engineering firm over in Edwards who he said these fellows did work in the Edward's area.

Commissioner Martin - and you have worked with them, George is that correct?

George - I think it would be best if the County contacted them and if you felt comfortable or if you know - this Firm is actually located in Jefferson County but they do a lot of mountain work.

Commissioner McCown - let's get it rolling.

Chairman Smith - yes we need to, it would be nice if we had more than one Firm that you could recommend.

George - I would really have to get some more names - to Dale or to Don?

Chairman Smith - to Don and then we need a way we can ask for where they've done some work so we can follow up on recommendations.

Commissioner McCown - do you need to get your numbers together and have them back to us next Monday?

George - the numbers for...?

Commissioner McCown - for proceeding with your portion of URS Greiner.

George - at this point, what you would like us to do, is to upgrade the UPL, and do you want us to also

Commissioner McCown - coordinate the Geological testing on both sites

George - ok and

Commissioner McCown - or is that something you can do, Dale?

Dale - probably. I think I can. The geo-tech on both sites?

George - we will modify these estimates. Do you want us to figure out - modifying the others?

Dale - what would be helpful to me though is some specific identification of the geotechnical procedures that you recommended, so if I get that, then I can get it out there.

George - that's basically what was in the Pawlauk report that - we can get on the phone with Steve and .....

Commissioner McCown - is that the 20 foot drilling once the footprint's been located?

George - yes.

Commissioner McCown - is that the same scenario?

George - Steve has some requirements, basically he said he thought that the void exploration could be done for about \$10,000.

Commissioner McCown - and being familiar, not as a geologist, but being familiar with terrain at Rifle, I think that study would have to be far less extensive. I think some preliminary site holes could tell you what you have in that area and it would probably negate the cost of an extensive study there.

George - I assumed that too.

Commissioner Martin - I don't think we need to drill every 20 foot.

Chairman Smith - I have a logistical question, we have a continued jail discussion on Wednesday listed, but it doesn't sound like we're have all the material back to have anything further to discuss at that time.

Commissioner Martin - does the City have anything to offer on that day also?

Mike Copp - no. We're done for a while - we passed the Ordinances, so, I guess it's your call now.

Commissioner Martin - well, we're going to have the information back to go ahead and authorize expenditures to Greiner to go ahead and do the further engineering on the two sites as well as present the information that we need on development site at UPL.

The Meeting was canceled for Wednesday at 3:00 P.M. June 10.

A time was set for 4:45 P.M. on Personnel for the Board Wednesday, June 10.

### ***Walsh Environmental Studies of Boulder/Grand Junction - Phase I***

Dale presented the contract for Walsh Environmental Studies of Boulder. He stated he needed the Chair authorized to commission Walsh Environmental Services of Boulder and Grand Junction to do a modified environmental assessment, phase I which was discussed last week, not to exceed \$15,000. They have submitted a proposal on this date. Don will need to review the fine print on the back side, but he would like the Chair authorized to sign it.

So moved by Commissioner McCown and seconded by Commissioner Martin; carried.

### ***CTL Thompson - Soils Analysis - UPL - Temporary Facility***

Dale stated the report was ready and it was a good site to built on - where we took down the Simian building for a temporary facility. They did express some concern about man-made debris that would need to be removed.

### ***Executive Session - City of Glenwood - Close of Litigation***

A motion was made by Commissioner McCown to go into an Executive Session to discuss the City of Glenwood - Close of Litigation. Commissioner Martin seconded; carried.

Commissioner McCown moved to come out of Executive Session. Commissioner Martin seconded; carried.

### ***Planning Workshop - Wednesday - June 10***

Commissioner McCown asked for clarification on the location of the workshop.

Mildred commented that it was a dinner meeting - Room 402.

***Adjourn***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to adjourn the meeting; carried.

Attest:

Chairman of the Board

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JUNE 10, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

PLANNING WORKSHOP

GARFIELD COUNTY, COLORADO

The Workshop of the Board of County Commissioners began at 3:00 A.M. on Wednesday, June 10, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were Interim County Administrator Dale Hancock and Mark Bean; and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Marian Smith called the meeting to order at 3:00 P.M.

***Planning Workshop***

This was a dinner meeting held in Room 402.

Attest:

Chairman of the Board

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JUNE 15, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 15, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were Interim County Administrators Dale Hancock and Mark Bean; Allen Sartin Assistant County Administrator; and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

**COUNTY ADMINISTRATOR**

Assistant County Administrator Allen Sartin gave an update for his first week. He requested direction from the Board.

Chairman Smith stated this was great. She commented on specific issues in order of priority that the Board wanted him to address including the pending space at the Courthouse (which was being dealt with today); Healthy Beginning funding; the Landfill; and Economic Development.

Commissioner McCown mentioned that the current Road and Bridge financing projects were not to exceed \$300,000 a year based cap upon Dennis Stranger's recommendation in the Capital Improvements recommendations. Therefore, the over-budget expenditures would need to be addressed.

***ATAC - Mary Wheeler - Appointment***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to appoint Mary Wheeler as the ATAC representative to replace Edwin Gas; carried.

Dale was directed to draft the letter to Mary Wheeler.

***Planning Position - Building and Planning***

Mark stated they were having to advertise in a greater distance for this opening in his department. Commissioner McCown asked if Sam Phelps was holding the Building and Planning Department up on final plats. This was in connection with a phone call Commissioner McCown received. Chairman Smith asked if the County Surveyor had a deputy that could be assigned some of the back log especially in the Building and Planning Department.

***Audit of Telephone Lines***

Dale mentioned he had an offer to perform the auditing of the telephone lines provided by US West; this will be at no-cost for the audit only.

**BILLS**

The Bills were presented for review by the Board.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the bills as presented; carried.

***Wagner Property - Chelyn Acres***

Mark Bean mentioned that this will be a discussion item. Time was set on the agenda for 11:45 A.M. June 22, 1998.

**UPDATE - ROARING FORK RAILROAD HOLDING AUTHORITY - CIS/DIES/CMP - RAY LLOYD**

Don DeFord and Ray Lloyd was present.

Ray presented the draft of the Phase I Plan and summarized the report. This created a methodology to get a citizen's task force together and enhance public outreach with 5 scoping meetings for public input. The Planning Process has been enhanced by doing this. This included 100 meetings and they have had 65 thus far including the 5 scoping meetings; 7 rounds of task force meetings; and quite a few one-on-one meetings with developers, clubs, school districts, etc. to bring people up-to-date. Through this, RFRHA has developed a screening process consisting of three components: 1) brainstorm ways of doing things to put a transportation system together in the valley and what that might be; 2) then they screened those brainstormed items down through a reality check to see if this really makes sense and it included a fatal flaw check to see if any item in each of the technologies says it can't happen this way; and 3) the comparative analyses where each one of the remaining technologies were engineered to determine the cost and the impact including the taking of property.

The task force developed objectives and there is an array of 47 technology possibilities. They had 47 in the original list and that came down to 16 in the fatal flaw screening; after the reality screening, they are now down to 5. To refine these further, of the 5 left - 3 are bus and 2 are rail. Basically, they have busses on Hwy.. 82 now; busses on an exclusive bus way using the corridor; and busses of a guided nature like Obeyon with guided wheels. Then there is the light and heavy rail solution. In the Federal process they have to go through 4 alternative analyses. (1) The no-build (what happens in the valley and what happens if nothing is done). This will take into account the cost of congestion, and the cost of increased wear and tear on Hwy.. 82. (2) For the Federal process they have to also study a TSM - Transportation System Management and this is a minimal capital including added a couple of accel/decel lanes, timing traffic lights, etc. (3) They also have to do a best bus solution and two of the three remaining alternatives of bus are: Bus on HOV on Hwy..82 or bus on a dedicated guide way. This leave RFRHA then with a rail or guided bus system that has to be decided between. (4) The fourth thing is the Local Preferred Alternative. They are hoping to reach an LPA by the end of 1998. At this time what that will be had not been determined. This should come about after the cost factor is considered. In the meantime, they have a perfectly good rail system. It is limited but could run 20 mph freight with passenger services; dinner trains; or a host of things to be considered.

#### *Short-Line Operators*

The RFP was sent to 28 operators and of those they had 5 responses; 2 with some hope and RFRHA is going the extra mile to work with them.

Ray said that Railbanking will be discussed more in-depth this afternoon. His perception of Railbanking is that it does two things: 1) it relieves RFRHA of the obligation for common carrier freight. If someone wants a shipment, RFRHA has 48 hours if the car is sitting in the West Glenwood yard. This is difficult to do since RFRHA doesn't have a locomotive. Ray has been talking with Union Pacific to see if it was possible to rent their locomotive. RFRHA did have a shipment request happen once before and they had to go to Seattle to get a locomotive and to Texas for the engineer. This was a very expensive carload of beer. If Railbanking occurs, this obligation will go away. We can still do Railbanking and the Modified PCN and if we do this we can operation when we say there will be an operation. For example - the 4th Friday of every month we will run a freight and carry anything you have to be delivered; and 2) this will help ensure the Corridor stays in one piece. This is a criteria aspect. Ray said a big part of his job is protecting the Corridor. He spends a great deal of time chasing people who want to cut the tracks to put in some project. Since there hasn't been rail in the valley for a while and the fact that the RFRHA Board is a public agency, it is tougher for people to understand the criticality of not doing this. Wingo Junction is a case in point which will also be discussed this afternoon. If C-DOT cuts the road there, in our present state with the Common Carrier Obligation, and the developer in Woody Creek were to call and say he had a shipment of anything, then we have legally abandoned the line. In that case then, the people who are adjacent landowners can come back and try to take it back - which they have already tried in that area. This is the thing RFRHA

is trying to prevent and Ray said he was determined to keep the line in one piece until the Valley decides what they want to do with it.

Chairman Smith said in relation to Wingo Junction, C-DOT just paving across the tracks, does this abandon the line?

Ray said no and the same thing in Carbondale. He said 6 passes with a high rail, weighing 1/4 million pounds, and the pavement is gone. The tracks are there and the concern is the damage asphalt does to the rail ties.

Commissioner Martin asked if there was any consideration of the Wingo Junction to be an at-grade crossing?; is there a discussion?

Ray stated it was discussed a few meetings back as one option for C-DOT to switch that making it a 4-lane at grade. The problem is if we do go to rail - if we were certain of anything at this point, if the rumors were true and there was plot and it was going to be a cybert-tran - then we would know what we were dealing with. Cybert-tran would be above ground and we could leave Wingo Junction as is. The problem is that all the perimeters are in flux and it makes it more difficult to deal with. If we go with rail, the solution at Wingo Junction with the numbers crossing there a day times the number of rail vehicles which two rail vehicles a day would be more for a transit system and would be in excess of the PUC requirement of 35,000 risks of a collision a day requires grade separate.

Commissioner Martin asked then how they do this in the downtown Denver area where they have 3 times that many at a grade-crossing. Three to four seconds at an at-grade crossing is a good option.

Ray agreed this was a good point. They were using the PUC 35,000 risks a day but this isn't law, it is recommended. It can be done.

### ***CTSI - Personnel Management - Wrongful Termination***

Chairman Smith mentioned in Glenwood Springs on July 15 from 9 - 3 there will be a seminar addressing wrongful termination put on by CTSI.

### **JAIL DISCUSSION**

Sheriff Tom Dalessandri, Dale Hancock, Al Maggard and Allen Sartin were present for the report. The Sheriff presented a Supplemental Appropriation for 1998 Jail Budget reported dated June 14, 1998. He added that he is not over budget yet, but will be in about 2 - 3 months.

The Sheriff indicated that his building maintenance budget is over at present in repairs that had to be done. The duct work is to be coordinated with Rich to make this happen and said he will get with Mike McBreen.

Chairman Smith indicated the Board would like to have Allen go over this and the budget before it is approved.

### ***Jail Count***

Total in Jail: 31 main jail; 29 Work Release; 9 females; 33 other jails; 10 Workenders; 11 in Home Detention; 1 State Hospital for a total of 124 total. DOC = 15 and are part of the 33 in other jails. 12 in Clear Creek; 1 in Mesa; 1 in Eagle; 1 in LaPlata; 1 in Pitkin and 17 in Summit.

### ***Community Corrections***

Dale stated he estimated approximately \$50,000 to hook up to the utilities, foundation and for fencing, lighting and cameras for security.  
handout

### ***Governor's Advisory Council***

Al Maggard stated he would have more information about the Restorative Justice Seminar to be held in September on the 8, 9 and 10.

### ***Geotechnical on Wulfshon - Hollenbaugh***

Dale stated he needed the direction of the Board as it related to preferred contractors to do this. Dale said he talked to Jim Hames from the Department of Health to confirm the radiation contact firm to investigate properties with low level gamma radiation. There was no record addressing the Hollenbaugh property so Dale is following the recommendation using Walsh Environmental to do the assessment.

Dale said George McKinnon gave him the names of four firms: Aguirre Engineers Inc.; Ground Engineering Consulting, Inc.; Koechlein Consulting Engineering and Huntingdon Engineering and Environmental, Inc. Dale has a proposal from URS Greiner for additional services amounting to approximately \$9800. This includes revising preliminary estimates on site development costs for the Hollenbaugh property pending further discussion subsequent to geotechnical consultants and environmental assessment work up, preliminary estimate site-development cost for the detention center on the Wulfshon pending further discussions with County officials and geotechnical consultant; and URS Greiner providing a preliminary site development cost for possible detention center at the UPL site across from the existing County Courthouse - these costs will include water, sewer, electric, cable, gas, TV and roadway service improvements for the site.

Dale said there were two issues he needs direction from the Board: 1) does the Board want to engage URS for further work on this, and 2) the commissioning of the geo-technical on Wulfshon and Hollenbaugh.

Hollenbaugh includes a general geo-technical and an environmental assessment.

Don said at Wulfshon the County needed to designate a site, at least a footprint or scope of a footprint.

Dale said when he discussed this with George McKinnon, URS picked a site and it has been identified on the map. He can show this to the consultant and specify that URS is suggesting this as the site for construction.

Dale indicated he could have these four firms submit their resume, tract history, and rates to the Board. He said he has sent them the HP-Geotechnical Report and asked each Firm to submit a proposal.

A letter confirming the exact location for the potential jail acreage by the owners of the property was still needed on the Wulfshon and on the Hollenbaugh properties.

Dale was directed to generate a letter for signature of the Board to the two property owners in regard to the exact location for the site drilling/testing.

### ***Motion to Dismiss Claims and Settle Litigation - City of Glenwood Springs***

Don said the motion to dismiss will be filed today and the Board needed to be aware that the clock is running as well on the time-frame for a temporary facility.

### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

#### ***Dakota Subdivision - Byers***

Mark Bean and Nancy Byers owner of the property in Dakota Subdivision were present. Mark said Ms. Byers owns one of the pieces of the property and has the authorization and approval of the adjacent owner to request the removal of an easement. After research, this easement on the plat appears to be a public easement to create a trail. Conversations with Ms. Byers and looking at the file, it appears this trail was never completed because the access to Blue Lake was cut off. The easement goes to private land. Mark said the easement was dedicated to the public and does not belong to the Cerise's; the easement doesn't go anywhere but to the Cerise's property. There is no way to get into Blue Lake from the Dakota Meadows. Nancy Byers - 352 Beaver Dam Circle in Vail, said she was a partner with Dakota Partners LLC owning and developing the Dakota Subdivision. The easement is nonessential, it is not going anywhere and hindering any possibilities of anyone wanting to buy these lots that are adjacent to

it. No one want to have pedestrians going between the two lots and they would prefer to maintain that easement themselves rather than the Homeowners. So she was asking for it to be removed.

Don asked if it was dedicated to the public on the plat?

Nancy says on the Resolution there is nothing mentioned. On the plat it is identified as a pedestrian easement to Eagle County; this was not done by Blue Lake.

Don says if it was dedicated to the public, then the Board can vacate. You need the dedication statement with the legal description.

Mark clarified that this was an easement dedicated to the public.

Don said this can be vacated by the Board. The method is similar to the vacating of a road, it will need to be vacated by Resolution and when that is done, this will go to equal parts to the adjoining property owners.

Don said it will require a Resolution and an Amended Plat as well. It requires notice to adjoining property owners and whatever property is at the end of this easement will need to be notified.

Don said the things needed when Ms. Byers wanted this vacated: she would need to bring in an Amended Plat, a description for the easement and a list of the adjoining property owners. A Resolution will be done that proposes to vacant and it will be set on a regular agenda.

Nancy was advised to get with Mark Bean and set it up on the Board's agenda.

## **COUNTY BUSINESS**

### ***Rifle Village South - Bradley Property***

Mark Bean, Don DeFord and Jerry Bauer 1854 CR 293 Rifle and Larry Bradley 2347 CR 306 - Parachute were present.

Mark provided a report from the engineers working on the Bradley from Western Colorado Testing Inc. Copies of that report were provided to Jerry Bauer and Larry Bradley in order for them to review the findings with their soils engineer. Mark stated he had verbal conversation with Western Colorado as well as Mr. Bradley's engineers in regard to their evaluation. Basically the situation at this point is that Building and Planning are not issuing any building permits with the remaining lots Mr. Bradley has within his final section of Rifle Village South based upon soils study being completed. Mark added that he had asked Mr. Bauer to talk to his engineer and the Western Colorado Testing Inc. to determine what the resolution of this issue is to be.

Jerry Bauer stated they were questions by adjoining property owner as to whether or not there was a soils engineer on the site during this construction. With that, Jerry submitted some time tickets from the soils engineer to Larry and in addition stated he personally observed the soils engineer on the site on several occasions. Jerry was not engaged by Larry Bradley at this time but he was in the area doing other work and curious as to what was going on. He did stop there and can testify that there was a soils engineer present. In addition to that he has numerous letters from the soils man stating that he was there during a majority of the work. He was not there during all of it, especially in the gravel process where gravel can be tested from the surface. In addition Jerry submitted a letter from Mr. Russell and Mark added that he received the letter last Friday and read it into the record: "Letter to Mark Bean from Mr. Russell saying upon conversation with you on June 10, 1998 it was decided that Gary Hammerker, PE and I should discuss the results of his company's testing and arrive at a decision concerning the arroya fill on pavement structure at the referenced subdivision (this being Rifle Village South) Lots 11 - 15. Yesterday, June 10, Mr. Hammerker and I discussed the situation and arrived at the following conclusions. 1) the pavement structure is approved as built the additional 1" of pavement is equivalent to 4" of pit run therefore 8" of pit run should be adequate to provide the integrity required for the street. 2) Due to Western Colorado Testing showing sub par compaction and the liner to be leaking, the liner should be replaced in the area of the arroya with a culvert and all fill material should be compacted under that culvert and adjacent to the culvert to 95% ESTMD 698 for a depth of 5 feet to assure piping will not commence. I should caution your office that Mr. Bradley maintains that one bore was made away from the original arroya and that one bore was

made near utilities where excavation could be dangerous and difficult. The original arroya was filled prior to our Company's involvement therefore we can not ascertain exactly the boundaries and depth of the original arroya. Mr. Bradley has copies of all our compaction testing as well as dates that these tests took place. Should you require further information, please do not hesitate to call, signed Chris Steven Russell, Colorado Registered Professional Geologist and Engineer."

Jerry Bauer said in response to this, they are satisfied that the roadway is adequate to take care of this kind of traffic. Larry wants the Board to know that it was his intention to place 12" of pit run and in fact the total of pit run placed on that road equals more than 12". He added that this is evidential an anomaly. Their soils engineers states that when you are digging down through that by hand with pic and shovel trying to determine the extent of pit run gravel, it is extremely difficult to tell precisely where those lens end but in any case, they state that the roadway, due to the additional 1" of asphalt will work fine.

Jerry added that relating to Block 7 and Lot 2 directly across the road done in January of 1996, that shows the extent of the arroya in question, (plat was shown). Jerry stated that he was there and measured the exact location of the channel and of the pipe that leads to it and also plotted the location of the test holes. He said there was a bit a ambiguity to test hole two as there is nothing visual there anymore. However, the pictures taken during the testing process have been located. He pointed out that both of the test holes were taken outside the extent of the original arroya, (outside the area that Larry originally filled and compacted). The lined channel was actually excavated into existing soils and this is evident by the plat. The soils engineer engaged by Garfield County tells us that in the upper portion of test hole one closest to the street, there is very nearly 95% compaction existing there in the upper portion. Test hole number two is down to 90% but Jerry said he maintains that the compaction in the natural ground are going to very close approximate that. Furthermore, Larry shouldn't be required to go or continue to excavate it in the natural soils and compact and rebuilt. In addition to all of this, they have a letter dated December 26, 1997 relating to the ditch inspection in Rifle Village South Subdivision by request of Eric McCafferty wherein Chris Steven Russell our geologist and soils engineer certified that he had inspected the ditch and found it was in substantial compliance with the specifications. The ditch is trapezoidal placed over 6 mil poly lining covered with rip rap.

Chairman Smith asked if the letters had been stamped?

Jerry submitted letters, one with a stamp and clarified they believe he is a qualified competent engineer.

Chairman Smith commented that the one problem she had from Earth Engineers was "substantial compliance" is a very general term and the letter dated December 26 just states that. It does not have his stamp of it, the other does. She asked Larry if at first he didn't do the arroya exactly like it was recommended to be done.

Larry Bradley said the engineers wanted him to put it in the culvert but then they changed it and put it back.

Jerry Bauer said the neighbor complained that it was not according to the manner in which it was described. The engineer stated he felt he had the flexibility to make that decision on the job and then apparently the Commissioners disagreed with him to the extent that the pipe was removed and then the lined channel was placed following that.

Commissioner McCown said he could attest that there is no visible settlement or piping in the area here which would reflect the location of the true arroya. There is some piping at the end which is on the other individuals property with the ski lake.

Larry Bradley said the Allemon's would not allow any work to take place on their property. So there is a huge hole occurring.

Jerry said Mr. Allemon would not authorize Mr. Bradley to go any further because he asked to stabilize the channel clear down to the vertical drop off. Therefore, Larry has done what he can do.

Commissioner McCown said the integrity of the ditch may be threatened if it continues to come back up.

Jerry Bauer said it's in the Homeowner's Association responsibility to keep an eye on it.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to accept the reports and the representations of Mr. Bauer and Mr. Bradley and release the hold on building permits made by the Building and Planning Departments; carried.

### ***Remote Cabin - Mellow***

Mike Mellow of 0896 CR266 - Silt - owns a parcel of land in a remote area up East Divide Creek. He wants to build a hunting cabin but stated he has a problem with the necessity of putting in a full blown septic system with a leach field, hot and cold running water, toilets and showers. He was requesting the Board modify the Building Code to include a cabin restricted to permanent occupancy.

Chairman Smith said she was in favor of looking into this.

Commissioner McCown inquired of Mark Bean what would be necessary.

Mark said the logic direction would be for the Board to exercise their right to modify the Building Code as it is. In terms of the septic and individual disposal system may have to be dealt with.

Mike Mellow said a BFI toilet would be legal as long as it is serviced.

Mark stated that procedurally, to amend the Building Code Resolution, the Board of Review would need to make the recommendation to the Planning Commission in terms of how to deal with this issue and then the Board holds a Public Hearing. Procedurally Mark estimated a best case scenario of 75 - 90 days to go through this.

Commissioner McCown directed Mark to contact the Board of Review and set it as early as possible.

## **DEPARTMENT HEADS**

### ***Weed Management***

Gary Janicek reported that they received the money from Union Pacific to do right-of-way weed management. They have received one bid which was reasonable and they will give proof of insurance. The proposal was \$7500 and the bid is for \$6000 to go from Canyon Creek to Mesa County Line. The bidder, Keith Hunter Services, went down to \$20.00 an hour and the chemical cost is \$2500 to \$3000.

Gary stated that Gallagher Ag can't do it for close to that; they charge \$80 an hour said they would probably get to Silt.

Gary said the company will be using a four-wheeler with a sprayer on the back doing spot spraying. Gary will coordinate this activity with the railroad.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to accept the bid from Keith Hunter Services pending approval of adequate liability to complete the project on the railroad right-of-way from Canyon Creek to the Mesa County Line for \$6,000; carried.

Gary reported that 157 acres have been sprayed which is close to 300 - 400 miles of right-of way. This last Friday, the sprayer pump on the truck went out and a new pump is necessary. The 5 hp motor was using oil since he took over and finally locked up.

Commissioner McCown suggested Gary consider a one ton truck to replace it and to generate specifications.

### ***County Engineer***

#### ***Mel Rey Road***

Bob Szrot provided the Board a list of projects and said he has been working on the Mel Rey Road design; Sopris Engineering does not have the profile shots completed but once he gets those, he can look at how the road will be designed. The design will include an inverted crown system and any water that falls on the road will be retained by the roadway structure.

*Road Creek* - The bridge.

Bob said he looked at this and basically did his calculations on an adequate size. One problem was that he was unable to get in touch with anyone until this morning on the flow rates. His first reaction indicated a 10' diameter pipe will be needed. Looking at the site upstream which is Brush Creek where the bridge crosses, the terrain upstream is low and flat where it builds water up and it will seep into the field as a natural feature. He has been visiting with Clay regarding the shale to get tested for suitability. The test will be a cost of \$75 - 150.

Chairman Smith stated no testing has been done before; Shale is taken at face value.

#### *Oil and Gas Impacts*

In regard to the oil traffic impact study, Bob said he has unsuccessfully been able to contact Dave Adams with Maxim. There is a proposal due to us.

Mark said that Dennis Stranger is also waiting on that and it is a critical element in what information he is providing for the County.

#### *Fairgrounds - Future Arena*

Bob reported on the riding arena in Rifle saying they have been meeting with agricultural people. Commissioner McCown reiterated that the Board wanted an RFQ not an RFP and nothing in the RFP included the re-siting and moving of the three existing barns that would need to go away prior to a new arena taking place. They want a quote in order to make plans for the future. This is not a done deal.

Commissioner McCown mentioned that Job Corp was talked to about doing the removal of the barns, but the County received a zero response.

Dale Hancock said he had sent a letter to Dave Acker at Job Corp and would follow up with a phone call.

Bob commented that when he was working with this he wanted to get some ideas together and took responsibility for putting it out as an RFP. However, he will redo as a quote and distribute it to the Commissioners before anything goes out again.

Pat, Carol and Bob will be getting together on Friday and clean this up.

#### *County Road 109*

Bob said that as of Friday they were not putting asphalt down. He will recheck today. Ken Gardner and he went out on site to see if it was ready for paving. They talked to Steve of Gould Construction and basically Bob told them point blank that he was not giving or giving permission to pave because the County is not managing this contract. Bob said he hasn't seen any testing data and did not want any misunderstanding. Later he spoke to Louis Meyer and related the same thing; the two of them had friendly suggestions and later Bob generated a letter to file summarizing this in order to avoid confusion in the relationship of this project. He did indicate that paving would either be starting today or be finished. They were putting down 2" of asphalt and this is where it is being left until they get direction. Louis and Bob discussed the options before Bob went on vacation and said in the absence of any decision, they would put down the 2" and then deal with it later.

Commissioner McCown commented on some potential design changes and right-of-way changes that would affect the County's portion.

Bob summarized his understanding of the process is that the surveyor hasn't been out there to survey; right-of-way can't be purchased until it is surveyed; and the design can't continue until the right-of-way is taken care of. Until surveying is accomplished, everything is on hold.

The Board said that the survey is done, but they are waiting on the legal descriptions.

Commissioner McCown said this is where Louis Meyer came in saying the County may want to hold up of those legals, because the legals may not be adequate because this design is changed.

Bob said the impression he was given is that the County may not be doing any paving this year due to the delays. Dust stabilization was discussed between Bob and Ken Gardner.

#### *Mamm Creek*

Chairman Smith stated this would be discussed at 1:00 today. She added that she had spoken with Marvel Cooley and Marvel is willing to go out on the site and look at it. As soon as King comes back, she, Marvel, Bob and King will go out and look at it. Bob said before he went on vacation, he and Dale had talked to Tim Sarmo and the funding mechanism is in good shape.

### ***Employee of the Month - Picnic***

Barbara Ramirez and Katie Gerred presented the update on the Picnic scheduled for Wednesday, June 24.

Katie requested the Board to present the awards at the picnic.

Chairman Smith volunteered Commissioner Martin.

Meat - Commissioner McCown can order and pick-it up.

Katie said a final count will be given to the Board by Thursday of this week. She also stated they had requests for Vegas burgers.

The Two Rivers Park has been reserved from 11 - 2; the gas grill is being borrowed from the City; Road and Bridge will be cooking; Richard will provide the tables; and Rob will handle the press release and posting on the doors.

Katie said the Courts and the Library have also been invited.

### **HUMAN SERVICES**

Debra Stewart, Chair of Human Services presented the Senior Citizens Program. She handed out information consisting of the Aging Services Profile Report, Senior Link, and Senior Newsletter. The Garfield County Profile revealed that in 1997, 4,468 individuals over 60 or 13.9% of the total County population were seniors. Of this 12.3% are low income; 1.9% are minority; and 53.4% are seniors living in the rural areas, small towns and unincorporated areas of the County.

*The Northwest Colorado Area Agency on Aging* projects this group to be over 12,000 by the year 2020 in our County alone.

This means locally that one in every five people over the age of 60 are participating or needing services in the form of meals, transportation assistance, legal services, ombudsman support, and in-home services.

Some of the changes that have occurred over the past four years include:

The Colorado Department of Transportation assisted in the purchase of two new wheel chair accessible vehicles for the Senior and Disabled Program as well as granted funding to replace vehicles in 1998 and 1999 to replace the two mini-busses. They are also working on a community vehicles.

Three new senior meal sites have opened: Silt Congregation Church, Carbondale Town Hall, and Cooper Corner in the Methodist Church in Glenwood.

Adult Day Care Services are now available. Two new board and care facilities are open and nearing capacity - Open Gate Assisted Living and Creekside Assisted Living in Glenwood Springs.

The Regional Homemaker Program is in place serving Pitkin, western Eagle, and Garfield County. There is only funding enough to help about 36 people and currently 67% of the clients of this group of 35 are residents in Garfield County.

The Senior Link Grant ends December 31st. Deb stated they may look for additional sources of funding. One thing she wanted to stress was - all the employees of the Alpine Bank became senior link volunteers this Spring. 45 Employees did Community Service Work for Seniors all over town. This will generate some good press coverage regarding the kinds of things that occurred in this program.

Elaine Clonger, technician for the EPSDT program, has found some funding to help some of the elderly with dental care including replacement of dentures and teeth.

Regional Homemaker Program - 3 county - 36 people - 67% of clients are in Garfield County.

Elaine Cloninger - help elderly with dental care - replacement with dentures.

Garfield County Public Health are currently providing supporting service to seniors in the Parachute area.

Columbine Home Health and Nursing services have been sponsoring the Senior Wellness Clinics and have just been funded again through the Aspen Medical Foundation.

There is a directory of Senior services for Pitkin, western Eagle, and Garfield Counties available and is currently being updated for the third time as part of the Senior Link project.

There are three new Board members; and care facilities are in the development stages:

{ Dan Smith in Rifle is opening 6 new beds and expansion of Open Gate and Creekside

{ Heritage Healthcare Systems - 32 new beds in Rifle

{ Senior Options, Inc. 40 beds in Battlement Mesa

Two private home with board and care facilities are opening in the Rifle area.

The need has been documented and now available from Hospice Care in Garfield County.

Expansion of Meals on Wheels for home delivered meals in the western Garfield County area include Parachute/Battlement Mesa, Silt and New Castle.

The first annual senior wellness conference in the State of Colorado is located in Glenwood Springs this summer sponsored through the efforts of the Colorado Action for Health People with funding support from the Colorado Trust.

Alzheimer's Video Resource Library was developed for families and Caregivers and is available through the Office of Senior Programs.

Bimonthly senior newsletter supported through the Comprecare Foundation's Elderly Health Initiative for the seniors of Garfield County. This newsletter is mailed to over 1200 local addresses.

New Large external freezer received with local grant funding and community support for the storage of USDA and donated food for the Senior Nutrition project. and,

High County Retired and Senior Volunteer Program has received a grant to have senior volunteers in schools to help first through third grades with reading skills.

Deb identified some of the issues for future consideration in Garfield County as:

- projected growth in senior population;
- lack of affordable home and community based services;
- lack of affordable housing;
- funding support for expanded programs needs;
- requests for additional meal serving days - especially in Rifle;
- requests for affordable and available elderly dental care;
- requests for affordable home delivered meal program throughout Garfield County;
- staffing for service to seniors in all areas;
- expanded transportation requests i.e.. more service days, longer hours;
- funding for transportation needs for ADA para-transit services throughout the county;
- and
- in-migration of seniors to our area.

#### **SOCIAL SERVICES**

A motion was made by Commissioner and seconded by Commissioner to go into the Board of Social Services; carried.

A motion was made by Commissioner and seconded by Commissioner to come out of the Board of Social Services; carried.

#### **DISCUSSION WITH PHIL VAUGHN AND CHUCK BRENNER/SPACE PLANNING**

Phil Vaughn and Chuck Brenner presented the space planning for the Courthouse.

Allen Sartin submitted some recommended changes/additions to the plan for the consideration of the Board.

Phil Vaughn submitted several package plans for the Board and stated they put a proposal together after meeting with Dale and Mark.

*Package No. 1* deals with the basement and Dale Hancock's office.

This shows on the first floor what is now the lobby and turning this into the County Engineers's office; eliminates the smoking room, moves the sink and relocates it in a different place. Discussion was held with the City of Glenwood Springs regarding permits needed for the remodel. The permitting process takes approximately 2 weeks.

Dale Hancock's office included framing two walls to form a corner office with access into the Accounting Office.

Completion time - approximately 2 1/2 weeks. Completion total - \$20,214.00. He put an option on this Package No. 1 which removes the existing carpet in the employee break room and installing 12 x 12 1/8". This adds \$1427.50.

*Package Two* - centers on the 3rd floor Administration detail A. In the Extension Office he would be removing that existing counter, demolishing a number of the walls around the copier itself; patching the suspended ceilings; and reinstall about 7'6" of that back further; remove 3 existing doors as shown on the plan using the existing doors; frame up some new walls; and install a 1/2 door there with some passage locks beside the service counter; and painting all the walls with a coat of primer and 2 coats finish.

Completion time - 2 1/2 weeks. Completion Total - \$11,172.00.

*Package Three* - outside County Attorney's Conference Room includes the demolishing of the one wall, framing up a new wall approximately 2' behind it; reusing the existing door; setting of insulation; removal of existing carpet and replacing with tile so when you are making coffee you are spilling on something easier to clean. They also show installing an 18" stainless steel sink with a high spout; includes a base cabinet and upper cabinets with shelving; and adding circuits. Completion time - Completion Cost - \$7,497.00

If Package Two and Three are completed at the same time - deduct \$260.00 from Package Three. Option B - shows replacing that sink in the existing bathroom with an 18 gauge stainless steel and installing a vanity underneath at a cost of \$1530.00. He also included a reverse osmosis option for \$1214.00.

Discussion was held.

Phil stated there are things the Board can add or delete. The grand total for all the remodeling is \$40,310.00.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the expenditure of \$40,310.50 for renovation of office space including Package One, Package Two and Package Three including Option A (carpet in the Employee Break room) in the Courthouse and take the money out of Public Works; carried.

Phil was directed to schedule with Dale and Mark and to the City of Glenwood Springs for permits.

#### **ROAD AND BRIDGE DISCUSSION**

Marvin Stephens, Bob Szrot and Dean Gordon gave the report.

##### ***Mamm Creek Road***

Bob Szrot and Dean Gordon presented.

Dean stated administratively wise Bogue is mobilizing this week and is ready to go. Mike has all the paperwork complete from the County's standpoint.

Dean wrote the Board a memo explaining the current situation and forewarned Commissioner McCown that he may start receiving a lot of phone calls.

The road will be passable for the first three weeks, but they will be putting up the signs stating the road is closed. For the first three weeks Bogue will be doing the excavation work and then basically recycle the chip seal and asphalt. Then after July 4th Bogue will be moving gravel around and then the road will definitely be closed.

Before King left he asked Dean to talk to the Board about extending the remediation work up to the Jenkins cut off. 1) Bogue's base bid plus adding some contingency equals \$1.2 million; 2) the additional work would include: a) earthwork - (assuming no additional right-of-way) - back in 1992 Con-Sy had given us a bid to do the earthwork plus the inflation factor equals \$100,000; b) Box Culvert Crossing - King said as long as we were going that far, he felt they should look at taking out that old bridge structure. Dean made the assumption of putting in the same structure as below plus the inflation factor and came up with \$525,000. He took Bogue's bid and broke-it out to a "per foot price" and multiplied it times the length of the road from Hunter Mesa to the Jenkins cutoff and came up with a number slightly less than \$300,000.00; and c) the \$1,825,000.00 plus Dean's fees and came up with an estimate of \$1,900,500.00 million through Jenkins cutoff plus replace the bridge.

Clearly the \$525,000 will decrease if you stop short of Jenkins' cutoff.

#### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

##### ***Fairgrounds - Idea***

Richard Sims - 1400 South Second - Rifle - presented an idea before the Board that consisted of having a camper park with meters, water fountains and plug ins around the Fairgrounds. He suggested approximately 75 to 100 parking spots could be placed around the perimeter. He added this would generate new business opportunities and functions at the Fairgrounds. He also suggested moving out the ball field. His suggestion included a charge of \$10 a night for electricity and water.

##### ***Canyon Creek - Special Improvement***

Don stated he had discussions with Blake Jordon on the Canyon Creek Special Improvement District and needed the Board to authorize the Chair to sign a Resolution setting a Public Hearing on the proposed assessment role for Garfield County Local Improvement District 1997-1. Tentatively this has been set for July 20, 1998. There is a meeting scheduled for Monday, June 22 where Blake and Allan will be here to explain the process.

A time is needing to be set for this. Additionally, the Board needs to direct the Clerk & Recorder to publish notice and direct Don's office to mail notice to the properties to be assessed. Don said in talking to Allan and Blake they indicated they wanted to start right away in marketing the bonds. They want to close pursuant to Don's request before the 8th of July so that there will be funds available at the first of July so the County can go ahead and authorize improvements during the course of the summer. Don said there was a risk in doing it this way which they will explain; but they are recommending to proceed in this matter.

A date was set for July 20, 1998 at 12:00 noon.

Don was directed to advise Allan Matlose and Blake Jordon to hold off on the sale of bonds until this was approved by the Board and hold up any marketing activity until next week.

Commissioner Martin so moved as worded by the County Attorney and not to sell bonds early. Commissioner McCown seconded; carried.

##### ***Resolution and Plat - Donlon***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a plat and resolution granting an exemption from the Garfield County Subdivision regulations for Mary Donlon; carried.

##### ***Resolution and Plat - Thatcher***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a plat and resolution granting an exemption from the Garfield County Subdivision regulations for Wallace Thatcher; carried.

***Resolution and Plat - Chaplin***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a plat and resolution granting an exemption from the Garfield County Subdivision regulations for Donald Chaplin; carried.

***Rose Ranch***

Scheduling was discussed and a date set for July 21 from 9:00 A.M.

**BOARD OF HEALTH**

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into the Board of Health.

Mary Meisner gave the report for the department stating the various Public Health Programs are achieving the program objectives and meeting the State standards and expectations.

***Immunization Plan***

This is the COSA report where they inventory and assess levels of immunization of 2-year olds. Garfield County has continued to operate a quality assurance program over the last four years and this is going up. They are up 15% in Rifle for immunization for the 1 - 2 year olds. In Glenwood Springs they are at 90%.

***Sampling time for the RN's***

Mary said she assessed the time-study sampling for March and April for the RN's. Mary was pleased.

***WIC***

The WIC caseload is holding steady at 920 and the staff is busy preparing for a audit on July 8 and 9. Sandra Barnett, the WIC Coordinator for the County received a scholarship and attended the National WIC Coordinator's Conference in Denver. She obtained lots of new information on early childhood feeding recommendations.

***Satellite Clinics***

New Castle, Parachute and Carbondale continue to be well received by the citizens and the numbers are increasing. In Carbondale, the clinic will be moving in July to St. Mary's of the Crown Catholic Church.

***Programs for Young Children***

Nurses network with other task workers. There is going to be a Community Assessment - called CISR (Community Infant Service Review) which provides information to area providers to help parents perspective of how easy it is to access into the current care systems in place in Garfield County. Laura Little serves on the Early Childhood Task Force in Rifle and Sandra Barnett in Glenwood.

Parachute is looking at a Head Start Program (there is already one in Rifle and Carbondale). At the Regional Human Services Commission meeting is that there is a proposal from Eagle County looking at an Early Head Start Program in Basalt/El Jebel area. This will provide service to a lot of young women with new borns addressing the time period from birth to 9/10 months. There is a lot of clients in Healthy Beginnings this would benefit.

***Special D & E Clinic - June 22***

Mary mentioned there was a local evaluation team for children with multiple developmental delays. Claudia Nelson, is the physician and has been doing the training. The team includes

people from Public Health, Mountain Valley, and BOCCES look at this. Laura Little is their representative.

### ***HCP Clinic - June 24***

#### ***Healthy Beginnings***

Mary updated the Board saying they are continuing to move forward and looking at solutions with regional concerns. June 2 - the Regional Task Force met and the result from that meeting are: Eagle County with current caseload in the Basalt/El Jebel area is looking at setting up a County- based prenatal. Eagle will take on some clients for a couple of months from the Basalt/El Jebel area to give some relief to the County.

#### ***Planned Parenthood***

This will provide the Title 10 services to Healthy Beginnings Clients. A 3rd Regional Meeting has been set for July in Glenwood Springs.

They will be coming back to this Board with a proposal. Mary stated she would present the proposal in July.

Mary stated the clients they've been seeing have complex situations that require a great deal of nursing time; growth issues are also a part of the problem. Mary said they were looking at alternatives due to the space and staff limits. She has met with Claggett Memorial Hospital - David Tessler, Clinical Coordinator for Home Health, Parachute, the Rifle Clinic, PreNatal Clinic. There was a conference call between Wanda Berryman, State Health and David Tessler to try and come up with solutions as they are restructuring with all the changes going on at Claggett. There is a 60 case load in Rifle and if they include those that are coming to Glenwood Springs as well, it will drive the number up to about 80. In addition to that there are about 20 others that are not Medicaid that are self-paid or payment from another source - this would total 100.

#### ***State Board of Health Satellite Conference - Grand Junction***

Mary attended the State Board of Health Satellite Conference in Grand Junction. The focus was sharing a report card across the State. Garfield County is doing very well across the State. She met the two people who took Roger Donahue's place. One of the areas that really struck her the most was that the tobacco usage is going up. Garfield Youth Services is studying this and how to turn it around.

#### ***Tuberculosis***

Mary reported there have been three active cases of TB this year.

#### ***Deposits at Hardwick Bridge***

Commissioner Martin explained the problem around commercial rafters stopping here and letting the rafters out on the banks. In turn, the rafters proceed to relieve themselves in the bushes creating a less than desirable situation that potentially endangers the water quality of the Roaring Fork River.

Mary said she will network and do a review process of the entire situation.

Commissioner McCown moved to come out of the Board of Health. Commissioner Martin seconded; carried.

### **CONTINUED CONSIDERATION - FINAL PLAN DOCUMENT FOR OAK MEADOWS FILING FOR BEAVER COURT**

Attorney Larry Green, Robert Delaney and Mark Bean were present.

Larry provided the Board an update saying he needed to schedule a new date.

Commissioner McCown moved to reschedule the new time for August 10 at 2:00 P.M.

Commissioner Martin seconded; carried.

#### ***Motor Vehicle Title***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a duplicate title for a 1982 2 door Toyota; carried.

### ***ID Card***

A request was submitted by Steve Hackett to have approval for a Code Enforcement ID card different from the standard used by employees.

Chairman Smith signed the card but requested that Mildred bring this up before the Personnel Committee for discussion.

### ***Minutes***

Commissioner Martin moved to approve the Board of County Commissioners Minutes of April 20, 1998. Commissioner McCown seconded; carried.

### **DISCUSSION - ROARING FORK RAILROAD HOLDING AUTHORITY - ISSUES WITH GARFIELD COUNTY**

Ray Lloyd, George Rousso, and Ralph Trapani of C-DOT were present.

George Rousso said the Garfield County letter went to the Authority and totally by-passed him as Chair of RFRHA Board. He expressed his concerns about being out of the loop.

Chairman Smith said the letter the Board received suggested any concerns go directly to Mr. Montange.

George said he was concerned and caught totally by surprised by the letter. He would have appreciated notification. He didn't appreciate being by-passed. The meeting was held last Monday to resolve some issues but now there is a need for a course of action and asked, what is their position?

Commissioner Martin stated this Board wished to keep freight service a viable option and they feel the existing railroad is in good enough shape that it can hold that and it will work into the scheme of things and keeping an operating railroad with a Modified PCN; they feel that the information supplied by Ray to ESR, and after they talked to Pete Dearness of New England Southern Railroad who informed them that RFRHA can have a train running in 90 - 120 days and that it would take about a \$12,000 subsidize a year for materials on the railroad; that this is a viable option to pursue; Pete also said another option for RFRHA is to run a dinner train to get people used to running the rail and added that he knows where two are for sale or for lease and RFRHA could probably look into this and actively pursue it. Pete is also willing to run this as he has the locomotive and all RFRHA would have to do is lease the car. Also, Pete mentioned there were several similar operators available and could put RFRHA in contact with them if there was a serious commitment to keeping freight moving. Pete made contact with BMC, Orison and others who are crying for freight service. This is what worries this Board of Commissioners on Rail Banking and the pulling up of the rails and abandonment of that railroad. This Board feels that freight is definitely an option that needs to be considered and worked upon and not brushed aside. In reviewing the material, there is a leaning toward a passenger mass rail without freight. This concerns this Board. The fatal cost is \$10 million a mile and heavy rail is \$20 - \$30 million a mile.

Ray Lloyd said the \$20 - \$30 million a mile is quoted in there but was changed in a later version. This was an electrotype like a New York City subway heavy rail. Diesel operated pulling will pass all the screenings anticipated to be studied here. This may come down to a political decision as to whether it is light or heavy and the preferred alternative in November. Rail Banking and ripping up the tracks - this is not really a part of each other. There is no intention to rip up the tracks and he personally does not have any such intention. And the last question is, would it satisfy the County to participate in the subsidy and would Rail Banking with a Modified PCN be something that solves rail problems? He commented that he feels they are all trying to get to the same place. It is just a matter of procedures and what is needed to get there and what makes Garfield County comfortable with the procedures.

Brad Hendricks - you must Rail Bank to operate under a Modified PCN and you can't put a Modified PCN under a non-Rail Bank. And in connection with Commissioner Martin's comments regarding a dinner train, you have to Rail Bank to get there. To him the question is what kind of an agreement can RFRHA make with Garfield County that will satisfy the Board that there is an intent to operate under a Modified PCN after RFRHA is Rail Banked.

Commissioner Martin said that an Agreement with RFRHA would not be necessary, the question was posed to this Board as to what were the concerns and we are voicing them. Going in, Garfield County does not have a vote in Rail Banking options. If you can put a train on the rail with the possibility of using freight or using it for an everyday use excursionary/tourist train or something in Garfield County, that is a railroad comfort saying that we purchased this Rail Corridor for the movement of rail back and forth. If we have to develop some timing or another system down the road, then that option is still open but we have the possibility of moving that freight and allowing us to use our zoning to allow freight service.

Brad Hendricks stated he was aware of that but he wondered, what was the procedure as to where to go from here? Rail Banking, and then a modified PCN, then trying to get an operator on there to fulfill these freights things; but in order to make this happen or most likely to happen, we would like to ask for the cooperation or a letter to Surface Transportation Board saying that Garfield County Commissioners are not in opposition to Rail Banking as such, not asking to say that the factual concerns are not there, but some type of a letter saying they do not oppose the Rail Banking portion in Garfield County.

Commissioner McCown stated from his level of support, it sounds like the Rail Banking has to happen prior to the Modified PCN. What level of comfort can this Board have that this is going to happen?

Ray Lloyd suggested the possibility of an agreement that a Modified PCN would follow. One of the things was that RFRHA went out with an RFP was trying to ascertain the level of interest in the Community for shipment via rail. Frankly, Pete Dearness and others were contacting potential shippers on the line trying to drum up business so that they could develop their proposal to RFRHA. In every situation the number of cars to run an unsubsidized system were just not there. It's not surprising after the extent that Southern Pacific has marketed this whole region just trying to do everything in their power to force potential shippers to other modes. Obviously, when acquiring a new business it takes time to build up your clientele and this is why Pete Dearness was looking at five year terms. It will take him two years to operate in the black. Pete knows he will have to lay \$200,000 a year out of pocket the first couple of years. The concern RFRHA had then was what if we decide we want bus and in that regard we would have something that would agree with that operation. The Modified PCN solved that and another piece of information received second hand is that Jim Gatlin from Union Pacific was in the area visiting with some Glenwood Springs officials and when they were looking over the Wye, they were wondering where their joint use agreement stops and according to Union Pacific, they made mention of the fact that they would be interested in Rail Banking the Wye because they don't like having the liability hanging out there of having to look for a new tenant who moves into the Wye area when they only use it now for turning engines around. With Rail Banking they could keep the track, use it for turning engines, storing freight cars and not have to have response within 48 hours to a common carrier.

George Rousso said there was a sense of urgency as to what RFRHA is facing. A lot of this relates to Ralph Trapani, C-DOT. Before RFRHA can grant an easement to C-DOT for construction work impacting on that Holland Hills project, they need to have submitted a Rail Banking Application to the Surface Transportation Board. Charles Montange has advised George that it will take two weeks after the submission of a revised environmental report - this boils down to time. There is a special meeting of RFRHA today to address these issues and we really must proceed today towards a course of action and that's what will be undertaken following this meeting. There is a need for some indication of what Garfield County's position is and because

RFRHA has indicated they will be voted to proceed with a Rail Banking course of action. The question then becomes, do we submit our Rail Banking Application as Rail Banking the Eagle County and Pitkin County piece and also Rail Banking the Garfield County piece?; so in all candor if the Commissioners protest in one and not the other, all the significant expense to the area governments is in vain, or do we think we have a course of action that we are proceeding with in trying to find an operator to operate under a Modified PCN on the whole Corridor after it is Rail Banked, and have a letter of support from Garfield County that they do not oppose Rail Banking.

Brad Hendricks said one of the big problems was that anyone that was going to come in and make any kind of an investment to operate a railroad would need 5 years in order to operate it and RFRHA was uncertain as to how to deal with this as they were in the process of the Comprehensive Master Plan and there was a target date of June 1, 1999 - well short of the 5 years. Therefore, the conversation got dropped at that time. He stated that he feels Commissioner Martin thinks RFRHA did not make every effort to get an operator on there and a lot of this had to do with this date. Brad further stated that he would like to offer the Commissioners in support of Rail Banking the entire Corridor is an attempt on RFRHA to agree that they were going to have to enter into an Agreement for a longer period of time between now and June of 1999. If we leave the table with this kind of warm agreement and we're thinking of course we are looking for an operator in the next 6 months, it isn't going to happen. In honesty, to come to some agreement that might likely result in the performance being discussed, RFRHA has to agree to a longer period of time between now and the Comprehensive Master Plan final date. This is what he, as one member of the Board, would offer is if they can do this with RFRHA - talk about a 5 year contract with a Modified PCN - then there is a real change of coming up with the operator and if we are not willing to talk about that, then RFRHA would be lying to the Commissioners.

Commissioner Martin reiterated it has to be a 5 year period of time in order to break even. Commissioner McCown said he would feel comfortable with Rail Banking if the Commissioners has a letter of commitment from RFRHA guaranteeing the authorizing of an operator for a 5 year contract with a Modified PCN. Just that it is going to be offered on a practical basis.

George Rousso said if they look at the one proposal that appears to be more reasonable than the others it also was a significant commitment of proper resources there, personal funds to make this, and he thinks Pete Dearness's thinking was that if the railroad could demonstrate ability to market and work in the valley that RFRHA might look favorably in the future. The amount of the subsidize has decreased over time as there is a better understanding of the climate in the valley. Ray Lloyd commented there was some negotiations going on and he was directed by RFRHA to go the extra mile with the applicants since that came in. Dearness was never officially picked, but he is basically the only remaining one who's continued to work with them to make this happen. He added that Dearness is running two short lines now profitably - the Granite State and the New England Southern Railroads and has over the last two years owning a total of 8 all of which he operated profitably, so it is a serious offer.

Chairman Smith mentioned she read, "the Georgetown Loop is considering going in with the Royal Gorge and renting those too", so there are people out there.

Ray Lloyd said the subsidize amount was discussed ranging from \$50,000 at one point with at least \$36,000 of that was for RFRHA to provide a track inspector. This has been reduced to where he has asked for a truck load of ties and spikes and \$12,000 in services for the first two years.

Chairman Smith clarified if this was from everyone or each entity?

Ray Lloyd stated this was total costs and what he is getting at is for RFRHA to provide and they are providing already. There is a signal contractor maintaining those and they are working well. But they are also doing some track repair and some of that will need to be done anyway. To date there is no commitment with Pete Dearness.

George asked if Garfield County might participate. He commented that he was aware of their budgetary woes but there is a significant benefit and would like to see them participate. Garfield County has been considered a very important player in this whole process and welcomed participation at current levels and would hope it could be expanded over time.

Chairman Smith said Garfield County's concern is not only financial, but it's just a part of Garfield County, and this is a concern to the Commissioners. There are other parts of the County, in fact there are rumors that another train (a freight line) is coming into Garfield County so these are all things that need to be taken into consideration.

George Rousso stated he hopes that doing the budget process the Commissioners do not lose sight of any additional involvement by the County.

Ray Lloyd added that he understands the County's concerns about it being an endless pit through which they throw money, but RFRHA, now with the Federal money - \$42 million on line already appropriated - to build a project and a commitment towards a full funding agreement by the Federal Government, are at a point where there is a significant amount of money coming into the County with almost nothing going out.

Commissioner Martin asked then if this hinges on a vote in Pitkin County and there is a need to sell that \$63 million entrance to Aspen and Pitkin County and to do some other obligations before your money comes in?

Ray Lloyd indicated that it was like a three dimension situation where the red and black squares change all the time. This is source of a lot of confusion at this time.

Commissioner Martin added that Pitkin County has not had a good track record on their proposals in front of their people on tax money.

Ray Lloyd said that Pitkin County would be required to match with 20% - the minimum required by the Federal Government and RFRHA is matching with over 60%.

George Rousso stated there were other moneys that could be contributed to the match, for example, the moneys that went to purchase the Corridor in the first place are also eligible to be used so a match for these funds therefore it is not entirely in the hands of Pitkin County and the Aspen voters. We are 1/3 of the way there.

Brad Hendricks stated he supports and agrees with what George Rousso has said and requested; but he expressed a concern that the timing on this Rail Banking and RFRHA, they didn't want to miss another cycle on this issue. In order to get the accomplished, there is a need to focus. One of the concerns expressed by Mark Fuller in making a 5 year contract with an operator on the railroad (and he would like to hear from someone on this Board of Commissioners if this is a likelihood) is, can we go forward of this type of a proposal that has been discussed here today? RFRHA Board member Georgiann Wagerman apologized for being late.

RFRHA Board member Mark Fuller stated his concern has been, in the past, not to cut a deal with a freight operator and then find this to be contradictory to the findings of the Corridor Investment Study (CIS). There is a study in progress that will answer a lot of questions about the future use of this Corridor and we don't want to talk out of both sides of the month saying that we are keeping options open on one hand and on the other hand closing off options by making a relatively long-term deal with a freight operator that is 5 years as opposed to 1 year plus to get the Comprehensive Plan in place. If we can somehow resolve that inherent conflict and make the freight operation somehow contingent on the findings of the CIS or vice versa, then he wouldn't have a problem with it. He was not in favor of having to subsidize an operator nor to tie RFRHA hands in terms of the outcome with CIS.

Chairman Smith said discussions are being held as to whether we want a freight operator on the line and we talk about getting traffic off the road. Which moves more freight? A good portion of freight is moved by rail. If the issue is to get traffic off of Hwy.. 82, then this is a logical follow through.

George Rousso said having the Corridor Rail Banked will provide the most flexibility in implementing the results of the Corridor Investment Study. It is possible to enter into a 5 year

contract with a rail operator and if for example RFRHA is ready to implement the CIS in two or three years it's just a matter of accommodating for any potential damages if there was a need to shorten the length of the contract from 5 to 3 years there would be some damages. Chairman Smith suggested to start out the contract with 3 years and renewal rights so it stretches out.

George Rousso stated the Corridor Investment Study would have to address having the rail on there.

Commissioner Martin said if we Rail Bank and freight is not an option and goes away, we have a bus system and that all - we do not have a Rail Corridor or anything but a bus system. This Board feels that the rail is a viable option and freight, and needs to be in that scenario and have that option - not eliminate it because it will not solve any impact on Hwy.. 82 by cutting the rail and just putting busses on there.

George Rousso stated the Corridor Investment Study will lay out the statistics in order for the people to make a decision.

Commissioner Martin expressed his concern for a mass transit for people only.

Ray Lloyd stated the Task Force Objectives have survived the test of time and if the passenger and freight capable is something then there is a strong consensus for among the public as well.

Chairman Smith commented when she sees the Amtrak passenger train with several freight cars behind it, it indicates there is a need for both things on the rail.

Brad Hendricks - at the time of the Comprehensive Master Plan, RFRHA does not have anything unless everyone signs off on it. This isn't a case where RFRHA could come to an agreement and the Commissioners want something different. Within the IGA there is nothing if it comes to a deadlock, all have to agree to whatever is positive and Garfield County is in a position along with the rest. This is a safety; no one is working completely alone in this.

Commissioner McCown - knows they have the safety of the Comprehensive Plan. All that this Board did was address the letter sent to them by Mr. Montange and as nonvoting members it has surprised him that everyone is in such awe that they even answered the concerns to the Transportation Board as he asked them to. Charles Montange is RFRHA's attorney.

Brad Hendricks summarized there were two concerns: 1) it would impede the process of Rail Banking - a letter in opposition; and 2) if RFRHA is not in step with the Board of Commissioners now, and going in a divergence position, everyone is wasting their time. He sees this as activity in making sure there is some possibility of getting where they are going. Why spend money, hold hearings, etc?

Commissioner Martin asked then what is the urgency for Rail Banking if it isn't just for Wingo Junction?

Ralph Trapani said that is the urgency for now.

Commissioner Martin asked then why it wasn't possible to have an at-grade crossing with guard arms.

Ralph Trapani stated due to the Public Utilities Commission is determined that there is enough conflicts there and C-DOT must be at a grade separation environment. There is over 20,000 cars per day and one train ...

Commissioner Martin brought up the fact in Denver where they have 50,000 cars and have an at-grade crossing. There is a 3 - 4 second delay if there is a train that goes by.

Ralph Trapani stated they went to the PUC, Ray and Ralph had lunch with Mr. Byers and this is not an option. They tried to withdraw the grade separation and go back to at-grade and were advised they would not get an at-grade crossing. July 1st this site is given to Kewitt where C-DOT starts paying impacts and those impacts will come out of the Corridor not out of Denver or Grand Junction - those impacts come out of their projects.

John Martin asked what about the crossing in Glenwood Springs. What is the impact of the 27th Street crossing which is at-grade and controlled?

Ralph Trapani stated he didn't know the traffic counts.

Commissioner Martin added it is real close to the Hwy.. 82 count. We are comparing two crossings - one at-grade, the Glenwood Springs alternate route which they hope to take traffic off of Hwy..82 and put on the by-pass and it is an at-grade crossing approved by PUC.

Ralph Trapani commented the two could not be compared because the one in Glenwood Springs has a traffic signal and a controlled crossing compared to a 50 mpr. high speed 4 lane highway. These are completely different circumstances from a safety perspective, from a buy-in perspective and from an intersection design perspective.

Chairman Smith - referenced the Wadsworth - Ward Road intersection in Denver.

Ralph Trapani reiterated there is different distinct criteria in an urban environment and in a rural setting.

Commissioner Martin stated Garfield County has their concerns and our Master Plan says and what we wish to go ahead and complete, as well as establish freight on the rail. You are asking this Board to judge our Master Plan and George's Master Plan and take an issue as to which side to go on. And the answer is, we have to stay with our Master Plan as George has to stay with his. Commissioner McCown said that freight and passenger compatible vehicles traveling over the rails and the rail bed is the most logical scenario and if the freight need is as small as he's hearing here today, seems like a very simple scheduling problem to run a freight car once a week or twice a week. The passenger service is the primary objective of the rail. There was a presentation at the Building and Planning Worksession last week on the present transportation system in the Valley and it's being subsidized at \$8.06 for every dollar in fare it raises.

George Rousso said that is what the CIS is doing - it is to answer those questions.

Commissioner Martin stated that less than 2% in Garfield County use mass transit.

Georgiann Wagerman said she would like to speak for the upper valley and say we want to work together as a unified valley. They are not trying to push ideas onto Garfield County. In the short run, Rail Banking seems to be the best option. It's not an absolute and doesn't mean we have to keep it forever and may or may not prove to be the perfect solution. The 100 year view of this rail road, open corridor from one end to another, is a new process but encouraged Garfield County to stay with them. She encouraged cooperation and to not get tangled in the weeds.

Ray Lloyd stated there is an issue with Wingo Junction that the amount of money C-DOT would spend building an at-grade crossing because of the difference in how far back you have to change your four-lane, it would essentially be a waste of money if in eventuality we were really using this Corridor for something.

Ralph Trapani stated C-DOT was investing \$3 million on the Hwy.. 82 project right now to lower the grade and that's easily done because they have the economy of scale with large several mile long construction projects. If C-DOT tried to come in later and lower Hwy.. 82 it may be a "no" answer and may not even be possible at that point and time. Therefore, C-DOT jumped into this with the understanding that this rail line would have been Rail Banked last year. As time went on, C-DOT sent the letter to RFRHA in December stating they need the easement now. We think this is the best time to lower that grade and it is saving RFRHA a significant amount of money here by doing it at this point and time.

Commissioner Martin - but if you ever reestablish rail, and you have to reestablish that span going across the Roaring Fork River to past Wingo Junction and the distance it would take is \$15 million dollars at least to reestablish that line you just lowered to go underneath, so it is not a savings, it may be immediately, but in the future it is a very big expense that needs to be looked at and the cost to RFRHA.

Ralph Trapani agreed and C-DOT's Commissioners are looking to committing to a project in case something happens where they do need to reestablish that second phase and for this reason he supports George's sense of urgency because the Transportation Commissioners Thursday are going to be very interested in seeing a level of consensus up and down the valley. But getting back to the grade separation, it is going to be a deal killer if you can't separate that grade when the

time comes to run whatever train it is - freight and/or commuter up and down. The PUC could very well come back and throw that cost on RFRHA somehow.

Commissioner Martin - the grade separation starting at Woody Creek and making it to the Airport, you will have to cross the Hwy.. 82; how is that separated?

Ralph Trapani stated that crossing would occur at the Brush Creek, State Highway 82 Intersection and likely to cause the need for an interchange. He was not planning on any at-grade crossings on Hwy.. 82 with the exception of Aspen Light Rail trying to get into a maintenance facility and this would be one-train per day at a current traffic signal - this is the key.

George Rousso stated they have always envisioned Rail Banking the Corridor and even approached Southern Pacific and asked that they Rail Bank the Corridor before they sold it but from timing and such it didn't work out. Consistently they have looked at Rail Banking as providing a situation on the Corridor where they would not have to meet their common carrier obligations on demand because they were such infrequent requests for service and the Rail Banking course of action is consistent with Garfield County's desire to leave the tracks in tact. From Eagle County's position he would be opposed and it is the general sentiment on the RFRHA Board. He would like to leave here today with some indication from Garfield County on what and where they stand on this Rail Banking issue because it would help in RFRHA's deliberations immediately following this meeting RFRHA will be taking some action today due to the Wingo Junction issues. He implored the Commissioners to provide RFRHA with a signal on this issue. George Rousso added that Commissioner Martin alluded to the fact that freight was viable, but all indications are right now that freight is not viable in its current state.

Commissioner Martin reiterated that it has to be an option.

Georgiann Wagerman said that at the last meeting, when Commissioner Martin mentioned having an excursion train with the ability to provide freight, this was met with an enthusiastic response by everyone on the Board.

Commissioner Martin stated a follow-up call was made revealing this to be a very viable option and they would be willing to do so at \$12,000 a year with an option to buy the train, lease the train, or let them control the train. He said they did not want any bus lanes on the Corridor.

Ray Lloyd said he suspected that most everything this Board of Commissioners asked for would reach a high comfort level with the RFRHA Board members except the last one regarding bus lanes. If bus is the locally preferred alternative, they have to go through and would open a line to the Federal process. He added however, that the Commissioners have the veto power at the end and can stop it that way.

George Rousso said he would be willing to approach the RFRHA Board and send the Commissioners a letter on our understandings and our desires of the RFRHA right now.

### ***Motion***

Commissioner McCown stated that he would make a motion, that upon receipt of a letter from the RFRHA Board basically stating its intentions to enter into a contract with an operator that would still allow freight and passenger service on the existing rail site as it is, that he would recommend that the Chair be authorized to sign a letter supporting Rail Banking operating under a Modified PCN. Commissioner McCown stated he would need to see a contract. It has to be offered and not without a degree of reasonable contract over a period of 5 years.

Commissioner Martin seconded the motion.

Chairman Smith asked if they wanted the full 5 years up front?

Commissioner McCown said yes, that he felt this was not unreasonable.

Motion carried.

### ***Contact - Request of Dale Hancock - Background Check***

Dale Hancock referenced that he had been contacted by the Town Administrator of New Castle to do a background check on the new police chief finalists.

The Board directed Dale not to do this as it could be viewed as a conflict of interests.

***Custom Crushing - Special Use Permit***

Mark Bean mentioned that Custom Crushing was requesting additional crushing with the SUP at the gravel pit. This was determined to be an administrative matter and was set for the Board's Agenda on July 14, 1998.

**DISCUSSION - ROAN CREEK ISSUES**

Bob Szrot, Marvin Stephens, Mark Bean, Clay Artenbern and C. L. Parks were present for the discussion.

Bob Szrot presented the cost on the 2 issues: 1) the defects of the culverts and 2) shale belonging to Clay that he has on his property.

***Shale***

Bob said as a licensed engineer, before he could complete a cost estimate, he would need to have some testing of the shale which would cost between \$75 and \$150.00.

A decision was made that Bob would not be doing a design build and therefore testing was not an option.

Discussion was held.

Some shale creates dust faster than others. The enzyme Protosoid will grow on some shale and keeps the dust down.

Marvin was in favor of experimenting with this shale as he determined it to be good shale for road graveling. He said Rio Blanco has used it.

Chairman Smith suggested that Rio Blanco be contacted prior to using this Shale.

A decision was made to pay \$7.50 a yard for Clay's shale if it is used.

Water was also discussed for using in spraying the road for dust control.

Clay will get with Marvin and agree on a pickup of water.

Marvin will obtain more information on the enzyme for Commissioner Martin.

***Size of pipe at Brush Creek***

Bob Szrot is gathering data and will provide an update for the Board.

**CONSIDERATION OF RESOLUTION - AUTHORIZING BONDS - LID 1997 - 1: CANYON CREEK ESTATES**

This was rescheduled for the June 22, 1998 meeting. Discussion was held and Mildred and Mary Lynn agreed that Mary Lynn will publish the notice and mail notice to the appropriate list of individuals.

**COUNTY ADMINISTRATOR POSITION - DISCUSSION**

***Executive Session***

A motion was made by Commissioner McCown to go into an Executive Session. Commissioner Martin seconded; carried.

A motion was made by Commissioner McCown to come out of Executive Session.

Commissioner Martin seconded; carried.

Direction was given to Barbara Ramariz to contact Ed Green from Ohio for the County Administrator and Steve Zwick was the second choice.

A motion was made by Commissioner McCown to adjourn. Commissioner Martin seconded; carried.

***Adjourn***

Attest:

Chairman of the Board

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JUNE 22, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, June 22, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were Interim County Administrator Dale Hancock and Mark Bean; Assistant County Administrator Allen Sartin; and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Marian Smith called the meeting to order at 8:00 A.M.

Commissioner McCown mentioned he had a conversation with Jim Evans of the Department of Local Affairs. Jim mentioned they may have some funds left over in this funding cycle. The deadline is July 1. He suggested looking at these funds for the potential of repairing the roofs on the Library.

Chairman Smith and Commissioner Martin agreed this was a good idea.

Dale was directed to contact Tim Sarmo and get an application in for the Library roof repairs.

***Landfill - Delta***

Chairman Smith stated there was a "Wind Regulations - No Dumping" mentioned in the Delta newspaper. She asked if there were wind regulations on a landfill that would prohibit dumping if the sustained winds and/or wind gusts were above 50 mph.

Allen Sartin said it was a "covering" requirement over the trash or the landfill must have fencing in place. This was under the Sub-Title D - Federal Regulations implemented by the Health Department.

**INTERIM COUNTY ADMINISTRATOR REPORT**

Chairman Smith stated she was called by Steve West on Rifle Village South and inquired if there were specific hours of operations as to when they can built.

Mark stated there are no restriction to hours of operation on building permits. Mark stated this would only be the third time in 10 years that a complaint had been filed in respect to this.

**ASSISTANT COUNTY ADMINISTRATOR**

Allen Sartin gave his report.

***Preliminary Report on Budget***

Allen said that the report on budget status he submitted last week is basically complete. He wanted the Board to be aware of a couple of things: 1) the closing for 1997 had an impact on the budget status; and 2) Chuck's report at the year end of 1997 for fund balance was incorrect. He went over the steps taken to remedy the situation. He added that this report shows the financial position the Board is in and recommended taking steps to correct the budget in order to keep from showing in the red. He submitted a number of requests from various departments for Supplemental Budget Adjustments and asked to submit a memo to all department heads to see if they have anything in order to get an inclusive list together so choices can be made perhaps for the 1998 budget. He indicated this could also include a list of wishes.

Allen additionally volunteered to provide a workshop. He added however, in an overall financial position the County is very sound.

***Jail***

Last week during the review of the budget, his findings were that \$3,549,000 has actually been budgeted for the jail. He found no more obvious funds. The Oil and Gas funds were to be earmarked for the jail.

Allen stated his goal for this year is to get an officially adopted budget book in an English narrative form for easy to find information.

#### *Motion*

Commissioner Martin made a motion to approve Allen to notify the department heads and elected officials regarding a second supplement of their budget. Commissioner McCown seconded; carried.

Allen stated he submitted a second document last week called "1998 Budget Preparation Issues." He said he is preparing to be ready on the budget process and by some time in July he would like to be issuing a preparation guide to all parties to begin the process. He scheduled a meeting with the accounting office on Tuesday morning to go over their process and to see what they have in the process of budget, how they interface with the budget process in the past to determine what pieces he can use for this year.

#### *Memo from the Sheriff*

Chairman Smith mentioned the memorandum from the Sheriff on June 17 referencing a \$14,280.00 amount for a copier to be taken out of out of carry-over dollars.

Allen stated he received a copy of the memorandum. However, he wanted to obtain all the requests from all the other departments and elected officials and then sit down and discuss them with the Board.

#### *Healthy Beginnings - Budget*

Chairman Smith mentioned to Allen that there would be a meeting on Tuesday, June 30 at 7:30 A.M. to discuss the budget deficit. She asked Allen to sit in on the meeting and then come to the Board with some sort of presentation.

Allen asked for feedback on this issue.

#### *Airport Authority*

Commissioner McCown said he had a call from Airport Board Member Jim Foster and he wanted to see how the Board would feel about a position of a full-time Airport Manager. Commissioner McCown said he relayed his concern regarding a position at this time that they would need to find some revenue sources to support the operating manager.

Allen said he discussed the budget with the Authority at the last meeting. A full-time position would be a significant increase to their current budget of approximately \$100,000. He indicated they would need to find some revenue sources to support an Airport Board manager. There is about \$25,000 a year designated for the FBO at the Airport.

The Board requested that Allen sit in on the Airport Authority Board meetings.

#### *Airport*

Mark stated that a letter was presented to Mr. Howard to condemn the property for the fire station facility.

#### *Budget*

Commissioner Martin complimented Allen on the budget information stating it is much clearer. Allen stated the current accounting computer programs are limited. He was concerned about the name under which various funds are reported. Some "trust" funds are not actually "trusts." He suggested fixing some of the categorizations in general. Allen said he will be using spread sheets until a new computer program is in effect.

#### *Year 2000*

Allen mentioned this was on his list. He wanted to contact Eagle Computer Systems to chat with them and come up with an inventory of all hardware and try to identify those that absolutely have to be replaced. He added this not only a software issue but a hardware issue as well.

## **TV**

Dale stated he had another offer for Television equipment from Pitkin County for Channels 52 and 54 on Sunlight. He needs to meet with John Dady to ask how many pieces of equipment and what specific licenses and put into a contract form similar to the one used with KRMA. This is another \$12,000 offer and it would allow broadcasting of FOX on both sides of the mountain.

## **JAIL DISCUSSION**

Sheriff Tom Dalessandri and Al Maggard were present.

### ***Jail Count***

Total in Jail: 121. 41 main jail; 29 Work Release; 4 females; 10 Home Detention; no Day Reporting; 9 Workenders; 1 State Hospital; 27 in other jails; 10 DOC in Clear Creek and Eagle.

### ***Copier***

Chairman Smith indicated that the bill for the copier did not come through in a timely fashion. Sheriff Dalessandri stated the ordering went through Mike. The Board took care of it in December.

### ***Workenders Program***

The Workenders have been picking up the trash along the Interstate. Dale stated the Workenders have done 70 miles of pickup.

### ***Temporary versus Transport - Cost Comparison***

Sheriff Dalessandri submitted a summary and cost outline of comparison between a temporary jail facility or continued housing prisoners in other facilities. Those figures indicated that with a temporary facility the cost would be \$516,309. Without a temporary facility the cost would be \$598,400. However, the temporary facility would need to be staffed plus the operating costs added in making it more cost effective to continue the transporting to other jails. Don DeFord asked in terms of the long-term availability of spaces at these other Counties. Tom said that Dan Hall was checking with Montrose for possible spaces for all. Clear Creek may be able to continue housing those inmates that are going to DOC. Chairman Smith indicated the Board needs to continue discussing this.

### ***URS Greiner - Revised Preliminary Estimates - Hollenbaugh and Wulfshon Sites***

A motion was made by Commissioner McCown and to approve \$9866 for URS for continued study of site locations. Dale said this would be coming from capital funds designated in the jail budget.

Commissioner Martin stated he was still talking to the City about the possibility of the salt plant site and there are some things they may consider. However, he would second Commissioner McCown's motion. Motion carried.

### ***Temporary Facility***

Don asked if the Board needed anything else from the staff at this point?

Chairman Smith asked for comments from the Sheriff when he was putting these figures together. Tom stated it was mixed feelings for him. It is easier to transport the inmates. His concern in part is that there is a possibility of running out of bed space to house them in other counties. There is a need to hire another transport deputy as soon as possible to continue the current transporting arrangement.

Commissioner McCown added that if space became an issue, it would be possible to implement a plan rather quickly for a temporary facility now that the City has agreed to the use of the UPL property for a temporary site.

Tom stated he has some concerns including the liability of transporting the prisoners out to other locations.

Don stated it is a greater liability risk. In terms of taking them out of jurisdiction, this issue has never been challenged. If we were to get a challenge on the attorney-client contact by the ACLU then they will take a close look at it. As long as the clients are available when then needed to meet with their attorney, there was no problem.

Judge Ossola expressed some concerns about the transporting of prisoners as well as the District Attorney has verbally expressed concerns.

For the time being - the County will continue transport.

Tom added that the Association of Transport Deputies is working very well.

Chairman Smith stated the 5 County Rural Resort is working to have Colorado West have a locked facility for medical holds to avoid transporting to Pueblo. This is a major issue they have been dealing with. There is only 9 beds available for the Western Slope in Pueblo at the State Hospital.

### ***Resolution - Term Limits***

Don stated he has been working on the Resolution regarding Term Limits and requested a time on the agenda for a work session with the Board.

A date and time was set for 8:30 A.M. on Monday, July 13, 1998.

### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

#### ***Sierra Bluffs Subdivision***

Barton Porter, Margaret Lee Porter, Bob Szrot, Don DeFord and Mark Bean were present.

Barton Porter submitted a letter explaining his position on the road in question in the Sierra Bluffs Subdivision briefly stating he disagreed with the County regarding the condition of the road; felt the Board had improperly served him notice to cease the sale of any further lots in the subdivision; High County Engineering had left his employment and did not think he could obtain their services to provide the document the County was requesting which certified the road and the landowners in this subdivision was pleased with the road; the complaints had been remedied and he wanted a release on the injunction and restraining order.

Discussion was held.

Commissioner McCown said the County is trying to allow Mr. Porter to come into compliance however, a signed copy of the restraining order can be served. At that time the price will go up on everything. The County wants an engineers stamp on a letter that says the road meets the compaction and the cross section that was denoted at the time of final plat. This is all the County is asking for. He added he was not nit-picking over 3/4" and 1 and 1/2" gravel; if Mr. Porter has the compaction and the road has enough road base under it (pit run) and enough 1 1/2" gravel on it that it will meet the criteria in the Conditions of Approval that Mr. Porter agreed to on the approval of the subdivision, then all is well. This can be done by a test by an Engineering Firm.

Margaret Lee Porter asked if they could use an engineer from out of State?

Don stated no a license engineer out of state is not acceptable.

A motion was made by Commissioner McCown to give Mr. Porter until July 20.

Mrs. Porter inquired as to why set a time limit?

Don DeFord stated this was brought to the County by other homeowners in the Subdivision. If the tests were to show a defect in the road that needs to be reconstruction, then we need to leave enough time so the road can be completed.

Commissioner McCown moved the date until August 17.

This motion died for lack of a second.

Don stated that besides tying up unsold lots, another remedy is "breach of contract." If the Porters are determined not to either certify the road or correct it, then there is a breach of contract action to seek damages to fix the road. The issue is whether or not the road was built to

specifications. The temporary restraining order is not in place and therefore puts the Board in a difficult position as there would not be a restriction on the sale of further lots at this time. Jim Leuthueser is requesting the Board to enter a default to put this in place so that no further sales of lots could occur.

Mr. Porter inquired then if until the restraining order goes into effect, any lots he has sold previous to this will not be affected? He has a contract setting out there and he will have to call the lady and tell her that he can't sell the lot.

Don stated with Mr. Porter's comments, he advised the Board to grant the authority to proceed with litigation.

Commissioner McCown so moved.

Commissioner Martin seconded. Motion carried.

Don DeFord added that under the Board's regulations they have a process whereby they can vacate a plat if it is determined that representation's made at the time of approval of the plat were in error. Jim Leuthueser was asked if the County should proceed with this determination.

Jim Leuthueser said that he thinks the Board should..

Don further stated that this does not need a Public Hearing because final plat is not approved as far as a public hearing.

Margaret Porter asked what happens if they get the engineer's stamp of approval?

Don stated that under this process, if the County receives an engineer's report that says yes, it was built to specifications or a report that it is in some manner defective and then corrected, then the staff will dismiss immediately all pending litigation, come back to the Board and ask them to reinstate the existing plat.

Commissioner Martin made a motion to vacate the plat and allow the Porters to supply the information and survey by the engineer putting the need on the compaction test.

Don DeFord inquired as to whether or not this included the signature of the Chair on the Resolution.

Commissioner Martin stated yes it does.

Commissioner McCown seconded; carried.

**PUBLIC HEARING: SPECIAL USE PERMIT FOR A WATER EVAPORATION POND LOCATED APPROXIMATELY ONE (1) MILE NORTH OF I-70 IN THE ANVIL POINTS AREA. APPLICANT: BARRETT RESOURCES**

Mark Bean, Don DeFord, Merle Weavers and Duane Zavadil were present.

Don DeFord determined that adequate publication and notification to adjacent property owners was timely and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark Bean submitted the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; and Exhibit D - Project Information and Staff Comments.

Chairman Smith admitted Exhibits A - D into the record.

Mark stated this is a Special Use Permit to allow the construction and operation of a produced water evaporation Pit by Barrett Resources Corporation on a 38.06 tract of land located approximately four (4) miles west of Rifle, off of CR 246.

The water evaporation pit is intended to serve as a collection point for water produced from some of the 350 natural gas wells Barrett presently has in the area.

The facility will be equipped with provisions to prevent oil from reaching the holding ponds. The entire facility will be enclosed with a 7 foot tall panel fence to prevent livestock and wildlife access. Any disturbed area not covered by lines or gravel, will be reclaimed and graded. The entire facility is projected to be 200 feet above the I-70 corridor to the south, leaving only the embankment of the south side visible to the vehicles on the interstate.

Condition No. 8 was added "the applicants will be responsible for damage on County Road 246."

Recommendations:

Staff recommends APPROVAL of the application, subject to the following conditions:

- All representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.
- The operation of the facility be done in accordance with any federal, state or local regulations governing the operation of this type of facility.
- The issuance of this Special Use Permit is subject to submittal of copies of any quarterly water analysis submitted to the COGCC for water in any of the proposed monitoring wells. Any determination of contamination of the groundwater, will result in the immediate discontinuance of the facility, subject to a determination of mitigation in a public hearing before the Board in the same procedure required for the initial hearing.
- All vehicles accessing the facility and other mobile equipment shall be registered with the Garfield County Clerk & Records office, as required by law.
- Any seed used for revegetation, shall be certified weed free seed and the applicant shall be responsible for maintaining the site in a weed free manner.
- The facility is for the sole use of the applicant. If any other companies are to be added as users, a new special use permit must be obtained.
- An emergency plan will be filed with the County Emergency Preparedness Office and the Rifle Fire District.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve a Special Use Permit for Barrett Resources Corporation to allow the construction and operation of a produced water evaporation pit with the description, major issues and concerns, findings and recommendations of the staff; adding Condition No. 8 "the applicant will mitigate damage to CR 246 by water trucks;" carried.

***Resolution - Tassada and Plat***

A motion was made by Commissioner Martin to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Donna Tassada. Commissioner McCown seconded; carried.

***Resolution - Battlement Mesa - Amendment Zone District Text***

Commissioner Martin made a motion to authorize the Chair to sign a Resolution concerning approval of the Battlement Mesa Company application for amendment to the Battlement Mesa Planned Unit Development Zone District Text. Commissioner McCown seconded. Motion carried.

***Amendment - Certificate for South Canyon and added "Compost"***

Commissioner Martin made a motion and Commissioner McCown seconded to authorize the Chair to sign a Certificate of Designation Amendment conditionally designating this site as the South Canyon Solid Waste Disposal site to and including October 1, 1998 with the same requirements as the landfill; carried.

***UPS - Telephone System***

Dale Hancock reported on the unit called UPS Telephone System that sits down on the telephone system and we have recently been having power outage problems. The battery back up is going okay but the UPS isn't holding it. He would like to put a new one in and stated it will require \$1500 to replace it. Dale said it was out three hours yesterday. The batteries were replaced in December of 1997. The original system was put in there in 1983. The Board suggested Dale met with Allen so that he would know. Commissioner Martin stated this was normal maintenance costs.

### ***County Road 109***

Don mentioned that Sam Phelps has completed the platting based upon the 10 feet realignment of the center line of the road and has the plats done. The legal descriptions based on the plats once Schmueser Gordon Meyers verifies the plats as accurate for their purposes which should be sometime this week, then all of this is pending further discussions regarding the memorandum from Louis Meyer. This has been set for discussion on July 6. Jim Leutheuser and Bob Szrot are going to try and contact Louis when King gets back and see what issues are still out there. If there are none, then we can proceed.

Discussion was held.

Commissioner McCown mentioned he favored moving this forward, otherwise the construction window would not be made this year and then it would be another \$225,000 next year.

### ***Executive Session - Litigation***

Mark Bean was requested to stay for the session.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss a litigation issue; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

### **PUBLIC HEARING: ABATEMENTS - BEN C. AND DESEREE A. HERR, AND JOHN J. POWELL TRUST; NATIONAL FUEL CORPORATION; ALPINE PARTY RENTALS.**

Abatements were presented by County Assessor Steve Rippey.

Chairman Smith swore in Steve.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the following abatements: Ben C. and Deseree A. Herr and John J. Powell Trust for \$3,337.45; Alpine Party Rentals for \$11,011.37; and National Fuel Corporation for \$3,218.45. Motion carried.

### **DISCUSSION: VANCE WAGNER - CHELYN ACRES**

Vance Wagner and Kenny Gardner were present.

The issue was the potential turn around for a school bus. Vance stated he contacted Larry Estrada with the RE-1 School District and they will be getting together on the 25th at 8 A.M. to explore the possibility.

The Commissioners recommended someone from Road and Bridge be contacted to meet with them on site.

Chairman Smith stated the Ribbeshes, in their letter, gave the easement thinking it would be convenient for everyone and it was off of their property as well as Wagner's.

Vance stated the survey needs to be done so a determination can be made as to where the property line actually is and also like an easement has to be done properly.

Kenny stated the chip and seal is slated to begin July 13 and 14.

Don will try to contact Sam Phelps to see what the potential time frame will be on obtaining the survey.

Commissioner McCown stated the school approval for school buses to go this route would be step 1.

### **CONSIDERATION OF RESOLUTION AUTHORIZING BONDS - LID 1997-1 CANYON CREEK ESTATES**

Alan Matlosz, Blake Jordan - George K. Baum Company, Georgia Chamberlain, Carl Smith and Melody Massey were present.

Blake Jordan and Don DeFord presented the publication.

Don stated that the notices were mailed and publication was made.

In-depth discussion was held.

58 of the lots are developed however the other 8 lots are also being assessed.

Carl Smith, Lot 23 - Canyon Creek former Homeowner President said that the road is significantly deteriorating. Everyone in the subdivision has to use 40% of the road to access their home. When costs were projected, due to the uniqueness of the configuration of the subdivision, they came up with the same amount to be contributed per lot. The Homeowner's own the greatest amount of property.

Allen Matlosz stated this was voted in November of last year as required under Tabor, but both Tabor and the previous Tabor law Article 11, Section 6, is not a debt of the County as such that the County's general revenues are subject to its payment. If the assessment pays for these bonds and get paid, then they don't. There is no right on a bondholder to come back against the County and say you should lower your tax of something else to pay me off. The assessments and the property itself stands behind the stead and that's all. This is very clear on the face of the bond as well.

Blake Jordon added over the last 20 years most transactions have been done the same way this one is set up. The district is created; estimate the amount of construction; and issue bonds to pay for that. The assessments are in place before you do anything irrevocable. Where it is possible, Blake likes to move the assessment schedule up such that the assessments are in place; and have the hearing on the assessments prior to the issuance of bonds. The main reason is that 30 days after the assessment period, it is non challengeable at that point.

The hearing on the assessments will be held on July 20. A decision is needed by the Board as to: 1) do they want to hold off on the sale of bonds, which is possible but it will delay the receipt of the money, which will delay the construction of the project (the safest period would be 30 days after July 20 assuming they approve the assessment schedule; 2) if the Board does not want to do that, then there is no objection to waiting until after the 30 day period. The hearing on the 20th of July is a quasi-judicial hearing. It is presented and each property owners signs as to whether or not they properly got an assessment and this has to be based upon the special benefit that they receive. Blake said they will present evidence, and objectors will also if there are any. Then the Board decides. Now the question becomes Option I - do we go ahead and sell the bonds and close the bonds before the hearing and before the challenge period; the Option II would be to wait until after the assessment hearing and judge the level of objections; and close it after the Board has seen and heard from them as to any objections; and Option III the safest, absolute, iron clad way of avoiding any legal objections, not financial, is to wait 30 days pass the July 20th date.

Chairman Smith asked Carl if the Homeowners were giving negative responses?

Carl said a couple of people showed up and had some initial objections, but since they have asked when the road is going to be paved. Carl said his only concern with all of this is that they are tracking two things - the financial legal side and the actual bidding and construction. The bidding and construction is becoming more of a concern for him that it will done this year. There are enough funds in this project to get it done if it is done this year, this being June and there are still some issues. Whatever the Commissioners are the most comfortable with is okay.

Commissioner McCown recommended starting the bidding process immediately. Bids are usually good for 90 days. Then we have a known price to deal with and what bonds to sell. He recommended starting the bidding proceeds right away.

Melody Massey stated Steve Eilers, homeowner has to specifications.

Blake Jordan commented that the process would be a bid; before they close they will make sure the bid comes in at an amount less than it has to be, and they will try to close immediately after that.

Commissioner McCown stated he didn't see why these bids could not be finalized on July 13.

Carl Smith stated that the Vice President of the Homeowner's Association is employed by Schmueser Gordon Meyer and there is a meeting of the Homeowner's Association tonight.

## **ROAD AND BRIDGE DISCUSSION**

Marvin Stephens presented the weight and oversize report for the month of May.

The Board inquired about the purchase of equipment.

Marvin stated to his knowledge the equipment being ordered now was the remaining 2 - water trucks; 2 - rollers; 2 - graders; small trailer; and a loader for Silt. This puts them over \$2 million. Commissioner McCown mentioned that the equipment ordered for this year was not to exceed \$300,000 payment with a seven year payback. This was the goal and the Board's thought on this. Whatever the County needed to lease to keep the fleet up to speed, but not to exceed the \$300,000/year in equipment. This didn't even include the 6 new pickups as these went into Motor Pool.

A decision was made to proceed with the bid packages that Mike was in the process of doing. The Board asked for a list of the prices of the dump trucks, tractor from Mack so they can look at the Mack package. Blades and rollers have not been ordered. The Mack package has already been ordered.

Marvin was asked to make sure the 6 new pickups were in the Motor Pool.

#### ***Chelyn Acres - Update***

Chairman Smith asked Marvin to meet Vance Wagner at Chelyn Acres on June 25 at 8:00 A.M. to discuss a school bus turn around. Larry Estrada will be there from the School District.

#### ***Updates on Road Projects***

Marvin reported on the following:

##### *Slides Stabilized*

Marvin stated that the slides have been stabilized for the time being.

##### *County Road 320*

Work has begun on County Road 320 this morning. The rain held back the construction last week. Marvin corrected that construction would begin at the East end.

##### *Chipseal Projects*

Work is in progress preparing for the chip seal programs.

#### **Discussion - Assignments to Assistant County Administrator**

##### ***Budget - Additional Revenue***

Mark Bean, Dale Hancock and Allen Sartin were present.

The following list was given to Allen:

*Budget* - previously assigned

*Airport* - previously assigned

*Computer Software* - Accounting

*State and Cost Allocation Plan* - Social Services Taughenbaugh Building Remodeling

*Veteran's Program*

The State is paying \$100 additional for the Veteran's Program. This is upping the fee to \$1200.

Chairman Smith stated the County provides Veteran's services now for Pitkin and offered it for Eagle but haven't heard anything. Allen was asked to follow through.

##### *Management Letter - Audit*

Allen talked to the auditor and she wanted the Sheriff's response to the Management Letter.

Chairman Smith suggested Allen call the auditor to see if this satisfied Sharon's concerns.

##### *Impact Fees*

Dennis Stranger wanted to find some time to come and visit with the Board.

#### **PUBLIC HEARING: PRELIMINARY PLAN REVIEW FOR THE CLINETOP RANCH SUBDIVISION LOCATED APPROXIMATELY 6 MILES NORTHWEST OF NEW CASTLE ALONG COUNTY ROAD 243. APPLICANT: RALPH HUBBELL**

Mark Bean, Don DeFord, Ron Liston and Ralph Hubbell were present.

Don DeFord determined that adequate publication and notification to adjacent property owners was timely and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark Bean submitted the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Project Information and Staff Comments; Exhibit E - Garfield County Subdivision Regulations of 1984; Exhibit F - Garfield County Zoning Resolutions of 1978 as Amended; Exhibit G - Garfield County Comprehensive Plans as Amended 1981 and 1984; Exhibit H - Letter dated 5/11 Colorado Geological Survey; Exhibit I - Letter dated 5/12/98 from the State Engineers Office; Exhibit J - Letter dated 4/16/98 Letter dated April 16, 1998 from School District No. RE-2; and Exhibit K - Letter dated December 29, 1998 Book Cliff Soil Conservation District.

Chairman Smith admitted Exhibits A - K into the record.

Mark stated this is a Preliminary Plan review of the Clinetop Ranch Subdivision for Ralph, Connie, Gary and Doris Hubbell on a 24.76 acre +/- tract of land located approximately six (6) miles northwest of New Castle, along County Road 243.

The subject tract was originally created as Lot 3 of the Rigoli subdivision exemption. The Planning Commission reviewed the sketch plan at the January regular session. At that time, the applicants proposed to subdivide the 24,76 acre tract into three (3) parcels of 4.60, 4.52 and 14.86 acres. Since then, the applicants have scaled-back their plans and now propose two (2) lots of approximately 14.5 and 10.2 acres each. Each lot would be developed with a single family residence and possibly an accessory dwelling unit sometime in the future.

Ron Liston - said Ralph did speak with the Fire District in New Castle.

Exhibit L. - Letter from the Fire District in New Castle.

Chairman Smith admitted Exhibit L into the record.

Ron stated they reviewed the condition for the augmentation plan with the recommendations and something should be included in the conditions.

Chairman Smith - suggested they talk to the fire district regarding using the pond for a dry hydrant.

A motion was made to close the Public Hearing by Commissioner McCown and Chairman Smith stepped down from the Chair to second; carried.

Recommendation:

The Planning Commission recommended APPROVAL of the application, pursuant to the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Planning Commission, shall be considered conditions of approval.

A Final Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, access to a public right-of-way, and any proposed easements for setbacks, water supply, drainage, irrigation ditches, access, utilities, etc.

The applicant shall prepare and submit a Subdivision Improvements Agreement addressing all on-site improvements, which shall be included within the final plat submittal.

That the applicant shall submit \$200.00 in School Site Acquisition Fees for the creation of the new parcel, prior to or at the time of authorization of the final plat.

That the following plat notes shall be included on the final plat:

"The minimum defensible space distance shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"The individual lot owners shall be responsible for the control of noxious weeds."  
"Application for a building permit for each lot within the subdivision shall include a

grading and drainage plan consistent with the engineer's report submitted at preliminary plan, showing the physical improvements necessary to mitigate the 100-year flow from the drainage basin located west of the county road."

That the final plat submittal include a copy of a computer disk of the plat data, formatted for use on the County Assessor's CAD System.

That all proposed lots shall comply with the Garfield County Zoning Resolution of 1978, as amended, and any building shall comply with the 1994 Uniform Building Code, as adopted.

That the following provisions be included in the protective covenants governing the subdivision:

"One (1) dog will be allowed for each residential unit within the subdivision and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases. This provision will only apply to subsequent property owners, as the applicants will be allowed to have a maximum of three (3) dogs, confined to the owner's property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

The final plat documents shall include mitigation measures for the physical improvements and management of the 100-year flood flow from the westerly drainage basin, consistent with the Colorado Geologic Survey recommendations made in May 11, 1998 letter.

The subdivision's internal access shall terminate in a manner that provides adequate room for emergency vehicles to turnaround.

The applicable road impact fees shall be paid in accordance with Section 4:94 of the Subdivision Regulations.

The applicable road impact fees shall be paid in accordance with Section 4:94 of the Subdivision Regulations.

Commissioner Martin was absent during this hearing.

Commissioner McCown moved to approve the Preliminary Plan Review for the Clinetop Ranch Subdivision with the recommendation of staff 1 - 11 to be included and added Condition No. 12 - consideration of a dry hydrant. Chairman Smith stepped down as Chair to second the motion; carried.

***RFRHA - George Rousso - Letter***

Commissioner Martin was absent during this discussion.

Don DeFord stated that if the Board wants to affirmatively support Railbanking there is a letter the Board has now with the Surface Transportation Board that says you oppose Railbanking, that's one of the conclusions there; if the Board wants the contents of that letter altered to support it, then the Board should pass a motion authorizing the Chair to sign a letter agreeing to the proposed Railbanking subject to the terms and conditions set forth in the letter sent the 17th. Commissioner McCown so moved.

Chairman Smith asked Don - the letter says "does not intend to rip up the tracks in Garfield County unless that is the desired outcome of the approved Corridor Investment Study Comprehensive Plan."

Commissioner McCown said still at that time this Board reserves the right to veto that, so we are covered.

Don DeFord agreed this was correct.

Chairman Smith stepped down as Chair to second the motion.

Motion carried.

**County Attorney**

Don DeFord stated he had two short items:

***County Road 306 - Goluba - Alkali Creek***

Don stated he had a letter from Nick Goluba regarding County Road 306. What Nick wants to do in this case is tie up the property under a lease that underlies the County Road. Legally, the Board does not have rights to the minerals under the County Roads. Nevertheless, Oil Companies come to the County asking to have these signed off for whatever reason. In this case, because of the concern of the Oil Company, Nick Goluba would like the County to quit claim their interest in the property to his client in return for which they will quit claim back to the County our right to use of the surface for the County Road. Thereby the mineral rights would lie clearly with his client. Don's opinion is that they already do, but if the Board wants to clarify this then they can. Don asked direction from the Board.

Commissioner McCown stated he did not have a problem with the process proposed.

Don stated if the Board wants to proceed, then he needs the Board to make a motion authorizing the Chair to sign a quit claim deed to the portion of County Road 306 indicating in the quit claim deed - 7 acres and Hyrup to be named.

Commissioner McCown so moved.

Chairman Smith stepped down as Chair to second; carried.

***RFRHA - Buffalo - Railroad Crossing***

Chairman Smith requested Don to discuss this with Commissioner Martin.

Don stated that clearly until two weeks ago the liability was not the County's. However, a recent case out of Fremont County where they determined that the negligent operation of a vehicle entails filling the Cattle Guard with dirt from a snowplow going down the road, found it could be liable under those conditions. This caused Don to have concern and question about any kind of crossing. There is some potential liability if one of our vehicles were to cause a fill-in of the separation of the tracks.

Commissioner McCown stated that Commissioner Martin's concern was the condition of the existing crossing for vehicle traffic.

Don stated this is not the County's liability. This crossing is still controlled by PUC. This discussion occurred when the crossing was controlled by Union Pacific. Until Railbanking is accomplished, RFRHA is in the same position.

The example is the same as the City of Glenwood in finding out that the crossing on 23th Street is still controlled by PUC and the railroad informs what needs to be done. Nevertheless, it is still a County Road at that point and the County is immune from maintenance questions.

Chairman Smith inquired if the Buffalo Crossing does not fall within the State's right-of-way.

Don stated this is another issue raised in the same case, but the County never received an answer.

Chairman Smith asked if Don would explain this to Commissioner Martin.

***Property on Donegan Road***

Don stated the second item concerns the property that Mr. Baker was inquiring about. The old survey and appraisal on the Donegan property was done by Ted Applegate and Don acquired a copy that established a valuation on this property at \$110,000. Contrary to what Mr. Baker stated earlier, it did consider the existence of the power line easement. What he would like to do at this point if it's all right with the Board, is simply convey a copy of this appraisal to Mr. Baker and tell him this was the basis for previous discussion on the property.

The Board approved.

**PUBLIC HEARING: PLANNED UNIT DEVELOPMENT ZONE DISTRICT TEXT AMENDMENT - ASPEN GLEN PUD. APPLICANT: FORSYTHE WEST INVESTMENT, INC.**

Mark Bean and Cathy Kulzer, Project Coordinator - 0074 Stagewood - Basalt were present. Mark Bean determined that adequate publication and notification to adjacent property owners was timely and commented to the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark Bean submitted the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; and Exhibit D - Project Information and Staff Comments.

Mark Bean presented that this was a Planned Unit Development (PUD) Zone District Text Amendment to the Aspen Glen PUD Plan. This is proposed to amend the PUD Zone District Text for the Club Villa Residential Zone District to reduce the number of off street parking spaces required for single family detached dwellings and the rear yard setback adjacent to BLM or Open Space.

Recommendation:

The Planning Commission recommended APPROVAL of the proposed PUD zone district text amendments.

Commissioner McCown made a motion to close the Public Hearing. Chairman Smith stepped down as Chair and seconded to motion; carried.

Commissioner McCown moved to approved the PUD Zone District Text amendment to the Aspen Glen PUD Plan for Aspen Glen Golf Company with all major issues and concerns, recommending findings and recommendations for approval. Chairman Smith stepped down as Chair to second the motion; carried.

**PUBLIC HEARING: PRELIMINARY PLAN - EAGLE'S NEST AT ASPEN GLEN. APPLICANT: FORSYTHE WEST INVESTMENT, INC.**

Mark Bean, Don DeFord, Cathy Kulzer Project Coordinator - 0074 Stagewood - Basalt were present.

Don DeFord determined that adequate publication and notification to adjacent property owners was timely and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark Bean submitted the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Project Information and Staff Comments; Exhibit E - Letter dated April 14, 1998 from the State of Colorado Division of Wildlife; Exhibit F - Letter dated March 28, 1998 from the Carbondale & Rural Fire Protection District Letter dated March 30, 1998 from the State of Colorado Division of Wildlife; Exhibit G - Letter dated April 8, 1998 from the Colorado Geological Survey; Exhibit H - Letter from the Division of Water Resources; Exhibit I - Letter and Resolution dated March 24, 1998 from the Roaring Fork School District RE-1 and Exhibit J - Use site plan submitted the last time Cathy.

Mark Bean stated this is a Preliminary Plan for Eagle's Nest at Aspen Glen by Forsythe West Investments on a 1.381 acre parcel of land located approximately two (2) miles northeast of Carbondale off of CR 109 and State Hwy.. 82 within the Aspen Glen development.

The proposal is to split this tract into 4 detached single family lots that average 0.277 acres each in side. Each lot contains a building envelope. There is a fifth common lot, that is proposed to provide parking for the other four lots.

Recommendation:

The Planning Commission recommended APPROVAL of the proposed Preliminary Plan subject to the following conditions of approval:

All representation of the applicant, either within the application or stated at the public hearings before the Planning Commission shall be considered conditions of approval unless otherwise stated by the Planning Commission.

The applicant shall pay a per lot in School Site Acquisition Fee prior to the approval of any Final Plat.

The applicant shall provide documentation from the Carbondale and Rural Fire Protection District approving the fire hydrant design prior to the submittal of a Final Plat and that the driveway access be expanded to 20 feet in width.

That prior to approval of the Preliminary Plan by the Board, a letter from the DOW approving the screening plan for the eagles next protection zone, which will also be included as part of the final plat improvement plans and that all other recommendations in the 3/30/98 and 4/14/98 letters from the DOW be incorporated into the covenants for the project.

The following plat notes shall be included on any Final Plat:

"Certain building locations may be subject to geologic and hydrologic hazards. All structures shall require the submittal of an engineering report addressing soils and geology conditions, foundation design and drainage prepared by a registered professional engineer. All site development, including building construction, shall be conducted in accordance with engineer's stipulations."

"No open hearth solid-fuel burning fireplaces will be allowed anywhere within Aspen Glen."

"All dwelling units will be allowed unrestricted number of natural gas-burning fireplaces of natural gas-burning fireplaces or appliances."

"All dwelling units will be allowed no more than one new wood-burning stove as defined by C.R. S. 25-7-401, et. seq. and the regulations promulgated thereunder."

"Only one dog is allowed for each dwelling unit."

"No construction or land disturbance will occur in any jurisdictional wetland on lots 5 & 6."

That the Preliminary Plan be modified to provide four (4) off-street parking spaces for each dwelling unit or the Aspen Glen PUD Zone District text be amended to reduce the amount of off-street parking required for a single family detached dwelling in the Club Villa Zone District.

Cathy described the screening methods which included 14 - 16 evergreens. The Eagle's nest is across the river from this subdivision.

Chairman Smith inquired if the fire department could reach all the units.

Cathy stated they could. She pointed out on the plat where the fire hydrants were located.

Commissioner Martin inquired as to the path for the river.

Cathy stated it was in the covenants of Aspen Glen. The owners of this property will be under the Homeowners Association as well.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the Preliminary Plan for the Eagle's Nest at Aspen Glen as described in the staff packet with all major issues and concerns; recommended findings and recommendations. To include No. 7 conditions recommended by Kevin Wright of the Division of Wildlife for the screening for the Eagle's.

Discussion:

Commissioner Martin asked if the Board needed a letter from Division Of Wildlife to be included in Condition Number 7, reading " a letter to be received from Kevin Wright that this screening has been done." The letter of May 14 is very explicit and suggested that Cathy follow it.

Commissioner McCown amended his motion to include the letter.

Commissioner Martin seconded; carried.

## ***TeKeKi***

Commissioner Martin passed information out to the Board regarding TeKeKi and stated there was a need for a decision on an assessor for the east mesa project was needed. He submitted a letter from Mark Chang identifying three possible assessors. Commissioner Martin stated the County had agreed to enter into an agreement with Carbondale to pay 50% of the cost to hire an assessor to do certain things. The meeting was postponed due to an Assessor had not been hired. A new date was scheduled for July 9th and they wanted a decision by this date.

Commissioner Martin stated the assessors rates were: West Unlimited - \$10-15,000 high end or \$6-10,000 on the low end depending upon what is asked; and one from \$1,000 and \$5,000; and one from \$3,500 - \$5,000. There is a time-limit. The question being proposed was to value the land with and without access.

Commissioner McCown - if this is assessed both with and without access, who determines the value of the land if the group cannot come up with an agreed price?

Commissioner Martin stated this is the group that is meeting and this Board said they would sit down in mediation and try to resolve. If this doesn't happen, then it becomes a court issue. The ones not participating and continuing with the lawsuit include: Mr. Nystrom and one other. George Allan is the representative. Access will not be granted by Nieslanik, however Mr. Considine will allow access from his side.

Chairman Smith asked if it was in writing.

Commissioner Martin stated Herb Cline had it in writing and gave that testimony. Nieslaniks have a bitter taste since Garfield County allowed the building code violations to the Nystroms and then after that building permits were granted and they do not wish to jeopardize their stance anymore. As for the Mediators, after one more meeting, if the land trust wants to continue, the Mediator will be charging additional fees. Garfield County will be involved with the cost if this happens.

Chairman Smith stated she thinks credit should be given to the lots they are willing to give up.

Commissioner Martin explained he had those marked.

Chairman Smith asked if this was a case where Carbondale has to agree with the choice made by the Board of Commissioners regarding an assessor?

Commissioner Martin stated, yes.

Commissioner McCown recommended to go with the Aspen Limited bid not to exceed \$5000.

The \$2500 for Garfield to be coming out of where appropriated identified by Mr. Sartin.

Commissioner Martin seconded; carried.

## **PUBLIC HEARING: SPECIAL USE PERMIT FOR A RESIDENT MANAGER'S UNIT IN CONJUNCTION WITH A STORAGE USE, L/I ZONE DISTRICT. APPLICANT: DALE EUBANK**

Mark Bean, Don DeFord, Dale Eubank and Ron Liston was present.

Don DeFord determined that adequate publication and notification to adjacent property owners was timely and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark Bean submitted the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; and Exhibit D - Project Information and Staff Comments.

Chairman Smith admitted Exhibits A - D into the record.

Recommendations:

Staff recommends approval of the application, with the following approval conditions:

That all proposals of the applicant, made in the application and at the public hearing, shall be considered of approval, unless specified otherwise by the Board of County Commissioners.

That the office/manager residence shall adhere to all provisions of the Garfield County Zoning Resolution of 1978, as amended. The unit shall be used only as an accessory dwelling to the principal use of the property for industrial use.

That the office/managers residence and industrial operations shall adhere to the following standards:

"One (1) dog will be allowed for each residential unit within the subdivision and the dog shall be required to be confined within the owner's property boundaries, with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases. This provision will only apply to subsequent property owners, as the applicants will be allowed to have a maximum of three (3) dogs, confined to the owner's property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting shall be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

Chairman Smith asked about the accesses and asked about the non-exclusive access.

Dale Eubank stated it was an easement retained by the facility to the East - Redstone Corporation/Mid-Continent as their secondary access.

Commissioner Martin asked if they had a contract, access easement, or a historical right to cross the Railroad Holding Authority? He also asked for the classification of the crossing.

Dale Eubank stated he didn't know. He has the crossing, has been paying all the fees and has talked to Ray Lloyd and is currently being billed by the railroad. Ray stated that he would like to discuss this. Dale said he has a written crossing permit.

Commissioner Martin suggested that Mark should ask to see those permits.

Ron Liston stated these were industrial crossings.

Don DeFord explained the permits are something that should be checked. In this case, it looks like it is an industrial related permits.

Dale Eubank said since they are industrial and they are changing it to light industrial that he didn't see it as a problem and he never perceived it to be an issue.

Don clarified that it is a revocable license actually and they are usually use-restricted. If it is for agricultural, they are usually restricted; if it is for industrial, they are restricted to that. It is a right to cross the property. The way that right is exercised, the design and improvements would be controlled by PUC until Railbanking is complete.

Commissioner Martin stated they are revocable and they can make a determination within 30 days saying someone no longer has a crossing permit. This is one of the risks RFRHA is looking at in crossing the Railroad Corridor on either side. This should be part of his application for his protection.

Ron Liston stated they are not requesting this for industrial use, it is for residential use.

The Board inferred they have to have a crossing.

Commissioner Martin stated he didn't want Mr. Eubank to put out a lot of money, do the construction and then find he didn't have a permit to cross the rails.

Don clarified that this was all in the zoning context so far and asked the applicant, if they were proposing to do any public road crossing. He added that technically, private crossings are subject to PUC control; public road crossings are subject to PUC control. This is subject to RFRHA's control.

Ron stated they will check it out and make sure it is in order.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner Martin and seconded by Commissioner to approve the Special Use Permit for a resident manager's unit in conjunction with a storage use, L/I Zone District as described in the staff packet, with all major issues and concerns, suggested findings and recommendations; adding condition No. 4 "verification in writing that RFRHA will acknowledge the Southern Pacific crossing access permit to the property."

Chairman Smith suggested the wildfire mitigation using the standard language also be a condition under the standards.

Commissioner Martin adjusted his motion to include Condition No. 4 and the addition of the wildfire mitigation standards in the plat notes.

Commissioner McCown seconded; carried.

**PUBLIC HEARING: SPECIAL USE PERMIT FOR A NATURAL GAS PIPELINE LOCATED IN THE ROAD CREEK AREA. APPLICANT: TRANS COLORADO GAS COMPANY**

Mark Bean, Don DeFord and Web Seifert, Land Agent were present.

Don DeFord determined that adequate publication and notification to adjacent property owners was timely and advised the Board they were entitled to proceed.

Don determined they have the permission to proceed with the hearings.

Don asked Mark if we have consent to proceed from every property owner over who the pipeline passes. Do the records show this?

Mark stated they have been given a number of them and assuming those that have been given are the correct one.

Web Seifert stated that was correct and they do cover the entire line in the County.

Don stated these should be part of the public record.

Mark stated they have a consent to move forward with the hearing but not the final agreements with the right-of-way.

Chairman Smith swore in the speakers.

Mark Bean submitted the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; and Exhibit D - Project Information and Staff Comments.

Chairman Smith admitted Exhibits A - D into the record.

Mark Bean presented that this is a Special Use Permit for a 22" and 24" high pressure natural gas pipeline for TransColorado Gas Transmission Co located in the Roan Plateau area north of DeBeque, and extending from the Rio Blanco County Line south to the mesa County Line.

This is a high pressure natural gas line connecting underutilized supplies in the Piceance Basin to consumers in the California and Midwestern markets. The line is designed to carry 300 million cubic feet per day of natural gas. Construction is projected to begin and end during the summer of 1998.

Mark Bean stated they have not received all the easement agreements with all private property owners but the Building and Planning Department does have consent from all private property owners to be able to make this application in their behalf. Staff suggested part of the approval that they require all copies of the easement agreements be filed with the County prior to construction. Also for the record, this project has been certified by the Federal Energy Regulatory Commission and has the Right of Imminent Domain based on Section 7H of the Natural Gas Act of 1938 to obtain right-of-way, at this point it is unknown to staff whether or not condemnation will be actually needed to acquire right-of-way. The only County Road impacted by the proposed pipeline is County Road 204. It will be necessary to obtain road cut permit from the Road and Bridge Department.

The proposed pipeline begins in Rio Blanco County and goes south through the Roan Plateau, on the east side of Clear Creek. It then becomes down to the valley flood near Gilman Gulch and into Castle Canyon. The lines continues south along Castle Canyon to Roan Creek valley, where it continues south into Mesa County. If the total of 16.6 miles of pipeline in Garfield County, 6.3 miles crosses public lands and the remaining 20.3 miles crosses private land buildings.

Recommendation:

Approval, subject to the following conditions:

All proposals of the applicant shall be considered conditions of approval unless stated otherwise by the Board of County Commissioners.

The applicant shall have 120 days from the date of the Resolution of Conditional Approval to meet all conditions set forth in the Resolution. The Special Use Permit shall be issued when all conditions are met and shall expire 120 days after issuance, unless construction or use have commenced.

All revegetation shall be in accordance with the revegetation agreements approved by each property owner. All revegetation shall be conducted with certified weed-free seed.

TransColorado Gas Transmission Company shall be responsible for weed control in accordance with State and County regulations.

Prior to construction, the applicant shall obtain approval of the proposed crossings of County Roads from the Garfield County Road and Bridge Supervisor, including appropriate notification of the public of necessary closing dates and times. Additionally, a pre-construction survey of road conditions will be developed with the Road and Bridge department.

Prior to issuance of a final SUP, the applicant shall submit evidence that all necessary easements have been obtained.

All vehicles and equipment used by the applicant and subcontractors are required to be licensed by the County Clerk & Recorder.

Web Seifert - representing Trans Colorado presented a display and submitted a general outline of the project as an Exhibit.

Chairman Smith entered this into the record as Exhibit E.

Web Seifert explained how the project is set up and the supplies. The route of the pipeline goes from Meeker to New Mexico.

Jim McCrowley - Glenwood Springs - as a point of clarification, Phase I has already been built which runs from Bloomfield to Coyote Gap - Coyote Gas Plant on the Southern Ute Reservation.

Web clarified there would be two County Roads this project will cross - County Road 204 and County Road 213. King Lloyd has said after the meeting with the Board, then talk to him about the two road crossing.

Chairman Smith referenced any blasting which would create flying rock will not be close to any residences.

Web stated that was correct.

Chairman Smith mentioned the problem of noxious weeds particularly Dalmatian Todflax the noxious weed that is a big problem.

Web stated in regard to the weeds and control, an outfit from California will be in contact with the Weed Management Division of the County and they realize they must handle weed management. Weed management and restoration will be maintained for 5 years after the project is completed. After that the project, it will be turned over to maintenance and the project will be taken care of by KN Energy. This creates local representation for the duration of the pipeline.

Chairman Smith reiterated they must restrict operations on red-flag days.

Web said in the County workbook they have the BLM regulations. Any County emergency people will be listed, contacted and included in the coordination.

Chairman Smith suggested they have Guy Meyer and local fire departments as contacts.

Commissioner Martin inquired as to the minimum depth of the pipeline.

Jim state the pipeline is buried traditionally 3 feet.

Web - added it is 36 " below ground and they are given a variance. Road crossings are deeper and generally 4 - 5 feet. Rivers and streams are covered by the Corp of Engineers.

Web stated they are not allowed to leave anything exposed.

Jim stated if they disturb any thing, they fix it.

Chairman Smith read into the record - "in these areas, only the area necessary to complete the trenching is cleared."

Web stated the plan is to start July 15 and they're planning a 3 - 3 1/2 month process. The Pipeline is to be completed by November. The restoration process is the last Phase and may not be done until next Spring however. Additionally Web mentioned he was aware of the bonds necessary for County Roads.

Don DeFord informed them gravel roads are subject to seasonal road closures.

Web stated that TransColorado will get the bond, umbrella the construction and under them is the Construction Management Group who is in charge of the Contractor who will tell the Contractor that he has to get all the weight permits, etc. that are required - then the Contractor is virtually responsible to leave everything in as good or better condition than when he came.

Commissioner McCown inquired as to the phasing process.

Web stated the project is in four spreads. The spread that comes through Garfield County is from Piceance Creek down to the DeBeque cutoff. There will be some mini-crews down by the River but generally speaking they will start at Piceance Creek and head South. The first crew through cuts the fences, blades, then right behind them is another operation, etc. This spread will base out of Rifle and some 350 employees will be brought in and try to find a place for them to stay and a place for them to eat. This would be the base plan. The pipe comes in 80' lengths and comes in off the rail in Grand Junction and hauled to a yard in Rifle and another one near the take off at Piceance Creek. It will be moved from there to the line. Contracts will be opened and the Contractor selected this week.

Mildred Alsdorf reminded Web Seifert of the requirement for license plates.

Chairman Smith requested the names of the residential manager, the environmental and right-of-way supervisor be provided.

Web stated that all names will be provided to the Board.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve a Special Use Permit for an 22" and 24" high pressure natural gas pipeline for TransColorado Gas Transmission Co. as described in the staff packet including all major issues and concerns; suggested findings and recommendations modifying No. 4 - "weight and overweight permits will be acquired by the applicant for the contractors and No. 7 - a copy of the Emergency Preparedness Plan submitted to the Garfield County Emergency Preparedness Office prior to construction permits being issued."

Motion carried.

### ***Other Issues***

#### ***Hiring Senior Planner - Building and Planning***

Mark indicated that he was in a dilemma of trying to find someone to replace Eric McCafferty in his department due to the County wage scale. He stated he has a local planner interested, but the problem is the pay requested is slightly more than Mark is paying Victoria and slightly more than we paid Eric. To remedy this Mark requested to offer the position at \$36,400. This is the low end of a planner. Mark indicated the department's case load is getting bogged down with Oak Meadows next month; Mr. Rudd with the Airport - Conditional Use Permit for a Landing Strip; the Cerise Ranch; Ski Sunlight; and some talk about the Spring Valley Ranch Project.

Commissioner McCown - no particular problem with the position at \$36,400 however, he would not be willing to raise Victoria now and then for her to expect an adjustment based on the new rate when it came time for her annual review.

Mark requested - if her evaluation comes up with a higher rate, can she be given the increase of what that would be based on the current salary?

The Board concurred.

Don reiterated the timing is a factor to consider on these projects.

***Adjourn - 5:00 P.M.***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn the meeting; carried

Attest:

Chairman of the Board

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JULY 6, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, July 6, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were Interim County Administrator Dale Hancock and Mark Bean; Assistant County Administrator Allen Sartin; and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Marian Smith called the meeting to order at 8:00 A.M.

Chairman Smith stepped down from the Housing Authority Board and requested that this vacancy be advertised. She recommended the areas of Glenwood Springs to Carbondale be specified in the advertisement since this is the area needing representation on this Board.

**COUNTY ADMINISTRATOR**

*URS Greiner Contracts*

Dale Hancock presented the URS Greiner contracts for extending the scope of work. He stated that the Chair had been previously authorized to sign these contracts on June 22, 1998.

*Proposals - Road and Bridge Lease/Purchase - Equipment*

Dale presented 6 different proposals on the lease/purchase on the Road and Bridge equipment. Allen is going to review these during this week and will probably present them to the Board for consideration at the next meeting.

*Healthy Beginnings - Budget Discussion*

Chairman Smith stated the Healthy Beginnings Department was asking the Board to forgive the \$20,000 from last year's deficit but they will pay it back at \$10,000 this year and \$4,600.61 next year and \$4,600.61 in the year 2000. This doesn't add up to \$20,000.

Commissioner McCown asked if they had resolved their problems with the budget for this year?

Dale stated that Allen looked at these figures with Healthy Beginnings.

Allen submitted the request from Healthy Beginnings to the Board for their review.

*Discussion*

Chairman Smith recalled when this program was started, there was a cap on the number to be served.

Allen commented the \$39,000 is the offset, so they wanted the Board to forgive \$20,000 and then there will pay \$10,000 this year and \$4900 and \$4900 over the next two years, bringing them current on the remaining balance of \$19,000.

*Energy Impact*

Allen Sartin stated he had discussed the additional funds from Energy Impact with Tim Sarmo of the Department of Local Affairs. What Tim told Allen was that the Library repairs would not meet the guidelines for the Energy Impact funds. Maintenance was not included. Tim also stated that in the past Garfield County had represented that their priority was roads. There was no requests for the additional money thus far. We can apply.

Dale stated that he wrote a \$1.5 million proposal for a new jail several years ago.

Commissioner McCown stated the most he thought the Energy Impact funding allowed was \$250,000. He did not have a problem going for these funds on the jail.

Dale will call Tim Sarmo and discuss the possibility of funds for the jail. As the County's match, part could include the preliminary site studies.

### ***Division of Tasks - Interim County Administrators***

The new County Administrator will be in on August 10.

Mark commented if he can stop doing some of the day to day activities then this will help him. He commented that both he and Dale have been delegating a lot to Allen Sartin. It has been a cooperative thing.

Discussion took place regarding the reimbursement for the extra work load for Mark and Dale as well as having the Board submit an evaluation during this period of time when a County Administrator was not on Board.

### ***New Planner for Building and Planning***

Mark stated he is talking to four applicant's at the moment. Most are outside the area so there is quite a bit of discussion over the telephone at this point.

### **BILLS AND PAYROLL**

Mark Bean submitted the bills and payroll for review and approval by the Board.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the Bills and Payroll as submitted; carried.

### ***Executive Session - Contract***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of Executive Session; carried.

### ***Fairgrounds - PA***

A motion was made by Commissioner McCown for Dale to get with Mike McBreen regarding the work on the Public Address System Configuration for the Fairgrounds for a project total of \$26,946.00 and proceed with this prior to the Fair. Commissioner Martin seconded; carried.

### ***Airport - Amendment - Design***

Commissioner Martin moved to authorize the Chair to sign an amendment for the design at the Fire Fighting Facility for Phil Vaughn of \$2,540.00. Chairman Smith stepped down as Chair to second the motion; carried.

Commissioner McCown mentioned that it was estimated to cost \$500,000 for the sewer extension by the City of Rifle to the Airport.

### **JAIL DISCUSSION**

Sheriff Dalessandri, Don DeFord, Dale Hancock, Allen Sartin and Al Maggard were present.

### ***Jail Count***

Total in Jail: 117; 35 main jail; 29 Work Release; 6 females; 9 Home Detention; 0 Day Reporting; 7 Weekenders; 0 State Hospital; Valley View - 0; 31 in other jails with 6 of those being DOC. In other jails include: 19 in Summit; 1 in Rio Blanco; 1 in Pitkin; 2 in Mesa; 1 in Eagle; and 7 in Clear Creek.

### ***Space Issues***

Chairman Smith stated she met briefly with Judge Ossola mainly regarding the building cooling system. The Judge did mention that he has a problem with space for the Probation Office and definitely needs more room. There is a possibility of renting additional space outside the Courthouse however. Another possibility is that some can be located in Rifle. He also has officers assigned to Rio Blanco and Pitkin Counties.

Dale suggested having a discussion with Terry Norris, Chief Probation Officer.

Chairman Smith mentioned that the air conditioning was not cut off this weekend. However, Honeywell has stated that if the air conditioning is not programmed to cut off on the weekends, then this will cut into the savings they projected. She also indicated that many are not willing to close the windows, lower blinds to cut out the hot sun, etc.

Dale was requested to distribute a memo to building dwellings regarding keeping windows closed and the smartness of lowering blinds when you are located different places. All this is pretty integral to keeping the temperature where it is supposed to be.

Rich pointed out to Dale that he finds windows opens, he asks them to please close it; and then he goes to the other side of the building and finds another window open.

Chairman Smith mentioned that Honeywell stressed so pointedly that windows cannot be opened or it throws the entire building off balance.

#### ***Jail Update***

Dale talked to Tom Hartert of Glenwood Land Company and was hopeful to have a response on the specific location on the Wulfshon property today.

#### ***Environmental Testing - Hollenbaugh***

Dale stated that Gerald Grostein did respond and that Dale had met with John Murray with Walsh Environment who said they will begin the work at the Hollenbaugh property soon.

#### ***Soils Testing***

Dale stated that Grounds Engineering was the only one to make a call back and he had received a quote on soils testing from them as well.

#### ***Letter of Thanks to Ina Finch - Community Corrections Board***

The Board directed Dale to draft a letter to Ina Finch of the Community Corrections Board thanking her for service to her community in this capacity.

Commissioner McCown suggested to make another citizen's appointment from the West end and possibly one that was opposed to the jail in order to gain a new perspective.

#### ***Land Use - Stripping Top Soil - Cattle Creek***

Mark mentioned he had informed Mr. Rippy that he needed to submit an application for this operation under a Special Use Permit. Stripping and selling top soil is by itself not a problem, but he is in the Floodplain and this is an issue.

Mr. Rippy stated he had identified the coliform determinations of wetlands and actually have identified the areas that were subject to and were protected wetlands and they are staying outside of those areas. These have been flagged apparently.

#### ***Exemption - Resolution - Plat - Steele***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County subdivision regulations for Thomas (Rudy) Steele; carried

#### ***Resolution - Plat - Hoffmeister***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County subdivision regulations for Scott and Shona Hoffmeister; carried.

#### ***CUP - Rudd - Landing Strip***

Mark mentioned he had received a Conditional Use Permit for Wayne Rudd for a Landing Strip. Mark added that nothing has been issued yet. Mr. Rudd has done all the work up there, and he owns the land involved. This is not a permit and the Federal Aviation makes it very clear that it is all recommendations, nothing is required. Mark asked if the Board wanted this to go before the Planning Commission.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to refer this to the Planning Commission; carried.

Mark stated this will go to the Planning Commission at the August meeting.

### ***Request on Agenda - Land Use Issues***

Mark requested August 4 and August 11 be kept open by the Commissioners in case time is needed for land use issues.

### ***East Mesa Meeting - TeKeKi - Carbondale***

Commissioner Martin mentioned there will be an East Mesa Meeting in Carbondale on July 9 from 12 p.m. - 4 p.m. at Alpine Bank. The last item on the agenda will be a request for any kind of consideration to assist the process to go on.

Chairman Smith said that if the County offers what we have in land - 128 acres - that is a lot of money and sizable contribution to this effort.

### ***Colorado Fixed Guideway System Meeting***

Commissioner Martin reported on the upcoming meeting to be held at the Colorado School of Mines in Golden. The topic will be the fixed guide way system for the next 20 years. He added that it is a 5 billion project. He explained that a fixed guide way could be like a monorail, a cable or several different systems of transportation. This Committee will be narrowing it down to types of vendors and trying to make the system work in the terrain instead of changing the terrain to make a system work such as a tunnel through Floyd Hill and Vail Pass and a few other things.

### ***Affordable Housing***

Commissioner McCown suggested in order to approach affordable housing, if Calvin Lee would donate his time toward the development of the PUD; Dick donates aggregate and concrete at 1/2 price; and Mark Gould donates the construction time to put in the infrastructure - sewer line and everything at 1/2 price and Bob Young at Alpine Bank has discounted rates on loans for those who qualify, then affordable housing could be a reality.

Chairman Smith stated - then the Commissioners look at any other lots that we might have and any land acquired by tax sale.

Commissioner McCown stated he read all the letters from concerned citizens regarding this issue and short of requiring that every PUD that came before us have affordable housing in it, I'm not sure where they are wanting us to go with this. There is an active committee working with this problem in Glenwood Springs right now, Tom Beard serves on that one.

Mark Bean added there is also one from Carbondale.

Chairman Smith stated she had received a letter from John Muzick's big project in Aspen asking the Board not to do anything until we see what they had to offer because they were going to have enough to take care of most of the housing that they need up there for those working in that area - 700 units.

Commissioner McCown said he would like to have the numbers that shows the need for affordable housing. Are they assuming on all the traffic counts, etc. that those people would like to live in Aspen? It is a possibility that people are living in New Castle, Silt, Rifle and Parachute by choice?

Commissioner McCown wondered if this population had been asked where they would like to live? If you take out the ones that would select to live in New Castle or further West for the quality of lifestyle as opposed to Snowmass or Aspen, then this could greatly decrease the need for affordable housing.

Mark added these are questions that have probably not been answered.

Commissioner McCown suggested that another cold fact may be that the people who want affordable housing can't even get financed on a car.

Mark said another factor in affordable housing is having affordable rentals, not just purchasing a home.

Chairman Smith mentioned the survey performed by Healthy Mountain Communities. This was discussed.

#### ***Lee Moss - Fairgrounds - Staff Assistance***

Dale presented a memorandum from Chuck Deschenes to the Board regarding crew availability from the County Jail to assist in cleaning the Fairgrounds. He submitted a recent memorandum from Lee once again addressing this same issue stating Guy Meyer had informed him that there is no help available from the County Jail Work Release program. Lee summarized the need and the current help he has available at this time. He was asking for direction and solutions to the dilemma.

The Board discussed this and provided direction to Lee to take advantage of the Rifle Correctional Supervisory Program in order to have some assistance from the work crew from that facility.

Commissioner McCown also suggested that Lee hire one or two good workers during the summer.

#### ***Fairground Contracts***

Commissioner Martin moved to authorize the Chair to sign the following contracts and staff agreements:

Colorado Quarter Horse Show Association (CQHSA) all breed program on July 11 and 12; 4H Rifle Ranglers on July 18; and CQHSA on July 22, 1998. Commissioner McCown seconded; carried.

#### ***Barton Porter - Sierra Bluffs Subdivision***

Barton submitted a letter from the Johnson's to the Board.

Discussion was held in regard to Barton Porter and the pending sale of Lot 11 by Dale and Sheryl Johnson requesting exemption from the Final Plat Revocation.

#### ***Executive Session - Litigation - Barton Porter/Johnson***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

Commissioner Martin made a motion to go ahead and have the County Attorney contact Dale and Sheryl Johnson in reference to the action with Mr. Barton Porter and have one of them or a representative appear to make sure that they understand both sides of the situation.

Commissioner McCown seconded the motion; carried.

#### ***Minutes***

Commissioner Martin moved to approve the Board of County Commissioner's Minutes of March 9, 1998; April 13, 1998; May 4, 1998; May 11, 1998; and May 18, 1998. Commissioner McCown seconded the motion; carried.

#### **COUNTY BUSINESS - EMPLOYEE OF THE MONTH**

Mary Sorenson of Social Services was awarded the Employee of the Month for July 1998.

#### **DEPARTMENT HEADS**

##### ***Bob Szrot - County Engineer Report***

Bob summed up the *Road Issues* - specifically County Road 109 saying that a meeting was held last week where a lot of the issues were ironed out. This will be discussed further today at 3:00 P.M.

### *Mamm Creek*

Bob said he met with Bogue Construction and Steve Self with Schmueser Gordon Meyer and they looked at some of the drainages, both inlets and outlets. He was able to scale back on about five (5) concrete drop inlet structures. Alternatives were being looked into that would be a little less expensive. All the individuals working on this project are doing so as a team and looking at improvements that would build a high quality road. He said he was very optimistic about the project.

### *Roan Creek/Brush Creek*

Bob started putting together the hydraulic studies and defined the drainage basin. There is some stream gauge data on Roan Creek available but this doesn't apply to the bridge up Brush Creek. Chairman Smith suggested for Bob to check at NRCS.

Bob called the Soil Conservation and the agricultural offices and obtained some preliminary work on FEMA.

The Board suggested that he wait until he has the data compiled before they become too involved.

### *Oil and Gas Road Impact Fees*

Dennis Stranger and Bob met and informed him we were waiting for King to return from vacation.

The Maxim Firm and FWD Data was discussed with Dennis on the road durability. Bob talked to national experts out of Reno about using Spring-time FWD and how it would compare with the Fall tests. Maxim owes the County a study. Dennis Stranger suggested getting information from the oil companies.

Chairman Smith indicated they need the data and not just information from the oil companies. Commissioners McCown said the County needs to establish the existing roads conditions before we can go to a point and assess a fee and impact the oil companies on the roadway that is to be affected by the traffic.

*The Brush Creek pipeline* is one example that Commissioner Martin used saying the oil companies will be using concrete trucks bringing in all the pipe line equipment. At present it is a gravel road and you obtain the data on what's going to happen and how the oil and gas will impact the road.

Bob indicated there was a lot of mis-understanding between Maxim.

Chair mentioned when they had discussions as a conference call, one representative was one place and another on vacation in Las Vegas. Neither one had their material in front of them and she felt it was a waste of time as they were very disorganized. They were to get back to us and they haven't as of yet.

### *Direction*

Bob will sit down and get all the players - King, himself and whoever the Board recommends - at the table and determine strategies.

Chairman Smith suggested that Bob and King sit down and discuss this and then the two of them get Dennis Stranger involved.

Commissioner McCown summarized the direction the Board was wanting is clearly a methodology that they can determine the existing condition of a road. From the industry the average number of trips of vehicles with the completion of a well from the time the first hole is drilled until the time that well is brought into production. But then this Board needs to know what it will take to maintain or improve that existing system.

Bob said he talked to Washington that do FWD testing and asked for algorithms or mathematical formulas to test this road in the Spring and it will correlate to a test in the Fall. There are none. Chairman Smith said that Maxim representatives told the Board during that conference call that this is similar to what C-DOT does and they can provide graphs, etc.

Commissioner McCown suggested that if we do the testing now, we are giving everyone the benefit of the doubt as the road is in as good a condition as it is going to be.

### *Impact Fees - 208 Processes and Water Quality*

Bob mentioned that a few weeks ago Bill McKee from the Department of Health came to Glenwood Springs and they sat down and discussed the presentation he had given before the Board earlier this year. Bill had mentioned the possibility of some money to help toward the County with the development of a process. Bill then sent Bob the Colorado Water Quality Management and Drinking Protection Handbook. Bob said he read the document so he could understand what the County is dealing with and what can be done. He asked for guidance from the Board as to whether or not they want to take a proactive stance. The Section of 208, "of the Federal Clean Water Act provides that the Governor of the State must identify areas of the State which as a result of urban or industrial concentration or other significant factors have substantial water quality problems." So, Bob asked Bill, do we have significant water quality problems in this area? Bill McKee's answer to that was no, Garfield County does not. Then Bob said he looked at the map showing the different planning regions. Bob outlined Region 12 and highlighted some of the County names highlighted. Those are the ones that have a formal planning process in place as we speak. At one time Region 11 had a formal planning process handled out of Rifle.

Commissioner McCown stated this was geared for the oil shale program and since it is no longer a player they felt it was no longer necessary.

Bob said they talk about the 208 process and a regional planning entity covering Moffat, Rio Blanco, Garfield and Mesa Counties. Under that is a management agency. Therefore, Bob's questions to this Board is did we want to start doing any kind of water quality point source/non-point drinking water type of proactive stance? The reason Bob is bringing this to the Board is because there is money available and will disappear in about two months. It is a "use it or lose it" opportunity. To be proactive, there is some waste water expansions potentially being built or expanded within the next few months and there are different loan programs available. As a management agency the County might have better access to these funds if the County wants to provide those services.

Commissioner McCown mentioned his concern - if the Board implement this process and then these funds go away what happens to the program?

Bob indicated the funds available are just for the 208 study. What Bill McKee was impressing upon Bob is that this is something the local people, local developers and government - do on a voluntary process where people need to come together and voice they want a better drinking water quality/waste water quality in Garfield County. The money currently available will only get things initialized. Bill indicated that once the developers were on board and looking at better sanitary districts, you would be looking at funds necessary to accomplish this and the funding mechanisms would not necessarily fall on the County's shoulders.

Commissioner McCown asked if the State Health would be the ultimate responsible party?

Chairman Smith indicted they would have to be because they are the ones designated by the Federal Government.

Bob directly confronted Bill saying that basically, according to State law, if the County doesn't do it, the State has to. Why then should the County take the extra effort to do this and incur the extra expenses when the State is dictated to do this by State laws? Bill's response was that the State Health would like to have it where if you have a local representation and local participation and local buy-in as it makes for a more effective system. Bob then asked what would happen when something goes wrong down the line and an entity will play the State against the County and the County gets sued? What's to prevent this from happening? Bill said that in the planning process, talking about water quality standards, this is something that is specific for our area and will involve local people, the State will be involved in the process, so if there is something that looks like it's not going to fly or pit the State against the County, then they will work on this at the front-end.

The Discussion was continued until 1:30 P.M.

***Social Services - Taughenbaugh Building Remodel - Vaughn***

Dale informed the Board he would be having a meeting on Tuesday, July 7 at 1:30 P.M. to discuss these recommended improvements.

**PUBLIC MEETING: CONSIDERATION OF VACATION OF PUBLIC EASEMENT IN THE DAKOTA SUBDIVISION FOR A PUBLIC WALKWAY: APPLICANT: NANCY BYERS**

Mark Bean, Nancy Byers, Mark Bean, and Don DeFord were present.

Mark sent notice out to the appropriate homeowners.

Don determined that the notices were mailed 10 days before the meeting.

Ed Podolak said the adjacent landowner to the down valley side is a public utility company. They own a 100' piece between the Cerise and Byers/Kriz. This was sold to them by Bobby Arnold in 1982. When designed by the planner Steve Isham, it was for a public walkway for the use of Dakota Land Holders which would require negotiating an easement with a public utilities to make a loop down to the side where the multifamily is located. There is a bike-path that runs through here but in order to connect it would require this loop. They have not been able to successfully negotiate this easement so it currently dead-ends into their property. They had also hoped, on the other end to link in with the Blue Lake bike path and their Homeowners' Association denied the access. It is currently just another piece of property the Homeowners' Association have to maintain and advice was given that they vacate the easement.

Nancy Byers - Vail. The easement on the Eagle County side adjacent from Blue Lake to Dakota has been told to her that it is strictly a utility easement so it was never meant to connect the different properties.

This will be equally split between the two adjacent landowners of Lot 13 and Lot 14.

Mark indicated it would erase the lines.

Commissioner McCown made a motion to vacate the public easement in the Dakota Subdivision for a public walkway and authorize an amendment to the plat accordingly and authorizing the Chair to sign a Resolution and Plat noting all the changes. Commissioner Martin seconded the motion; carried.

***Colorado Rocky Mountain School - Special Use Permit - Referral***

A motion was made by Commissioner Martin and seconded by Chairman Smith who stepped down as Chair to second the motion to refer the Colorado Rocky Mountain School Special Use Permit to the Planning Commission; carried.

**PUBLIC HEARING - SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING LOCATED APPROXIMATELY 2 MILES EAST OF NEW CASTLE OFF OF COUNTY ROAD 138. APPLICANT: DIETER AND CARINA SANDERS**

Mark Bean, Don DeFord and Dieter Sanders were present

Don DeFord determined that timely and adequate notification were in order and advised the Board they could proceed.

Chairman Smith swore in the speakers.

Mark submitted Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit - C - Application; and Exhibit D - Project Information and Staff Comments.

Mark Bean presented that this is a Special Use Permit for an Accessory Dwelling Unit on a 35 acre tract of land located approximately four (4) miles east of New Castle, off of County Road 138.

The applicants propose to build 800 sq. ft. accessory dwelling. The ADU is proposed to conform to the County Zoning Resolution, which governs these units.

Commissioner Martin moved to close the Public Hearing; Commissioner McCown seconded the motion; carried.

Commissioner Martin made a motion to approve the Special Use Permit for an Accessory Dwelling Unit for Dieter and Carina Sanders as in the project description and staff comments

with all major concerns and issues, suggested findings, and recommendations. Commissioner McCown seconded the motion; carried.

Recommendation:

Staff recommends approval of this application, with the following conditions of approval:

That all proposals of the applicant, made in the application and at the public hearing, shall be considered conditions of approval, unless specified otherwise by the Board of County Commissioners.

That the accessory dwelling unit shall adhere to all provisions of Section 5.03.021 of the Garfield County Zoning Resolution of 1978, as amended.

That the accessory dwelling unit shall adhere to the following standards:

"No open hearth solid-fuel fireplaces will be allowed on this lot. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting shall be the minimum amount necessary and all exterior lighting shall be directed inward, towards the interior of the lot. Provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Garfield County has adopted a "Right to Farm" provision in the Garfield County Zoning Resolution in Section 1.08, which states among other things, that "residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector."

#### ***Jail - Site - Glenwood Land Company***

Don DeFord requested an Executive Session for proceeding on further directions from the Board. A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out into an Executive Session; carried.

#### **LIQUOR LICENSE RENEWAL: RELAY STATION, TAVERN; CHANGE TRADE NAME - KURT WIGGER, INC.**

Mildred Alsdorf submitted the renewals for the Down Valley Organization/Relay Station renewal of a tavern license and stated there were no problems or anything since the other owners were in at the Relay Station.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the renewals of liquor licenses for Down Valley/Relay Station in Carbondale, Colorado; carried.

Mildred said the other is a change in the trade name for Kurt Wigger, Inc. It was under WKP, Inc. a Colorado Corporation which was Kurt Wigger. They have changed it and the land into Kurt Wigger, Inc. This is the only reason for the change.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to sign the change of corporate name for Kurt Wigger; carried.

#### ***Adult Day Care Center - Assisted Living - Battlement Mesa***

Commissioner Martin made a motion and Commissioner McCown seconded to authorize the Chair to sign the contract for the Adult Day Care Center in Battlement Mesa; carried.

**REVIEW OF CONDITIONAL USE PERMIT LOCATED AT 2309 MIDLAND. APPLICANT: BRAD EARNEST**

Chairman Smith read this into the record and stated this needed to be continued. Mark stated Eric McCafferty had reviewed the site prior to his leaving and the approved home occupation was being operated within the conditions. Mark recommended since he has not heard anything from the parties that this be dropped unless something comes up in the future. The Board agreed.

***Review of the Garfield County Regional Airport Fire Station - Phil Vaughn Construction***

The Board reviewed the related material from the Board of County Commissioners Meeting in reference to the Airport Fire Fighting Facility.

Mark Bean commented that this was in agreement with previously discussed agreements that the schematic was Part I; and the construction would be Part Two if the schematics were approved and funded. Mark said he has talked with Phil and the wildcard is BLM.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the amended Standard Form of Agreement between Owner and Design/Builder dated January 5, 1998 for the Garfield County Regional Airport Fire Station; carried.

***Call to Order***

Chairman Smith called the meeting back to order at 1:00 P.M.

**ROAD AND BRIDGE DISCUSSION**

King Lloyd gave his report consisting of a call from the Rio Blanco Road Supervisor. The Rio Blanco Commissioners were requesting King to try and schedule a couple of joint meetings with this Board here to discuss common roads that are co-maintained such as Trappers Lake Road, Buford Road and Baxter Pass Road.

Chairman Smith commented that during the discussion of Baxter Pass Road, there would be a need to have Mesa County included.

King mentioned the agreement from last year with Mesa County was not happening, but this was with the Road and Bridge Supervisor and the Foreman for that area. However, the problem was in them attempting to utilize two districts - one was Bob of Mesa County as well as Andy from the West end of Mesa County. Andy is not willing to participate anymore due to feeling he was not getting anything out of it.

Chairman Smith remarked that this still comes out of the Commissioners and she has talked to them and on Baxter Pass they have stated they were perfectly willing to continue the general maintenance; but if there is a major problem, such as slides, etc. then they are not ready to commit to any rebuilding. Garfield County has never asked them to do that, so this clarifies why the Mesa County Commissioners need to be involved. They in fact told Chairman Smith to come directly to them and not to the Road and Bridge Supervisors. This is a policy decision.

King was directed to organize the three groups of Commissioners and was given a window of dates of August 5 - 19; he was to schedule a road tour at the same time.

This would be two different meetings - one will deal with Baxter Pass and the other will be Trappers Lake and Buford Road.

Commissioner McCown indicated that he was doubtful that anything would occur this year on the Buford Road with the Forest Service. They are willing to donate the gravel but were unable to get their crusher up there.

***Mamm Creek - Covey***

A date and time was set for meeting with Marvel Covey, Bob Szrot, King Lloyd and Chairman Smith of Tuesday morning, July 7 to discuss the potential of eliminating the sharp curve that would require an easement through her property.

Project Update

#### *County Road 335*

King reported that Dennis Niblack and Steve Rippy have been working together on the joint project for overlay on the South end of County Road 335 and help the Town of New Castle on the Coryell Road.

Commissioner Martin reported that New Castle was committed to finding the funds if the County was willing to participate in doing this. The County's assistance would come from the sales tax money. There is no final agreement on this however.

Chairman Smith suggested that Steve Rippy be contacted, discuss this and afterwards come back with the Commissioners.

King added that he would get with Steve before the next regular meeting and come up with some dollar amounts.

The Board concurred with this.

#### *Library Parking Lot*

King mentioned this was the parking lot area off of the alley.

Chairman Smith suggested there was a drainage problem of the lot sloping the wrong way and needed to be corrected to slope towards the alley. She added that New Castle might like to be a part of this as well. Courthouse - Rifle Parking Lot

Commissioner McCown mentioned patching potholes at the Rifle Court facility and seal coated. The bill is to Road and Bridge.

#### ***Midland Avenue - Joint Project - City of Glenwood Springs***

King mentioned that the City of Glenwood Springs had given him the go-ahead on it and then he received a call from Robyn Milyard that they are no longer interested in doing it.

Chairman Smith mentioned to wait until there was an agreement with the City.

King was asked to bring this back next week.

#### ***County Road 103***

King left the information with Sam Phelps on County Road 103 and he was to obtain some information on the right-of-way. No conclusions have been made on this to date.

Commissioner Martin stated that now Peg Piefer wants it paved. The problem is the need for additional right-a-way.

Dick and Peg Piefer own the property and Dick's problem is the potential of losing some trees.

King said this road needs to have the ditches widened as well as acquire more right-of-way.

Chairman Smith stated the County could go for condemnation if this is necessary.

#### ***County Road 109***

King stated the road was opened last Thursday afternoon and speed limits have been posted.

Further discussion was postponed until later when on the Agenda.

#### ***Mamm Creek***

The contractors are making excellent progress.

#### ***Mag Program***

##### *Road 252 - Rifle Gap Reservoir*

King said the Rifle Correctional Honor Camp never paid for their portion of the road from last year for the mag chloride application. The bill was submitted and it had to be paid for by the finance department of the State. King said nothing was ever heard back from them.

King estimated the cost of \$5,000 to apply the mag chloride.

The Board gave King the go-ahead to process the application and mag chloride.

Commissioner McCown said he will talk to Bill at the Honor Camp. He wasn't aware the bill from last year had not been paid until just recently. Chairman Smith has a meeting July 22 and may see some of these members of the Correctional Board.

### ***Power to Landfill***

King mentioned they were finalizing the power to the gatekeeper shack and the lavatory is not set up. The scales can be used now.

The Board suggested King pursue a battery pack - a UPS System - due to Public Service has outages nearly everyday.

### ***Delta Landfill***

Chairman Smith asked if the Landfill has a wind measurement in place.

King affirmed that there was; it was required; and the County Landfill has one that has been in place since 1994.

### ***Radio System***

King said Rich is making good progress and put the facilities in Lookout and getting the bases set up in Glenwood. They are still waiting on a final agreement with the Forest Service in Carrol Peak and on the final agreement for Kimball Mountain.

Dale Albertson is not allowing any crossing on his property due to a problem he is having with Conoco; and Kimball Mountain may require a helicopter ride.

King said they should be on-line within the next couple of weeks.

### ***Impact Fees***

Mark stated they were following up on Maxim.

King turned this over to Bob Szrot and gave him the phone numbers of Dave Adams.

Bob Szrot stated that Dennis Stranger came in and mentioned he was doing the study from a different angle.

Discussion

Mark mentioned that Dennis was going after the prepayment of taxes and this was the direction he was going.

Bob stated he would aggressively go after this report from Maxim.

King stated additional testing needed to be done.

Commissioner McCown summarized that prepayment of taxes would totally be inadequate.

Mark needs to sit down with Dennis.

Commissioner McCown indicated to Mark that if the Board wanted Dennis to continue after his price was submitted, then they would advise him.

Mark stated Dennis Stranger has only done the first half because he was needing the figures that were coming on the other portion.

Bob Szrot stated for the record that the County was doing this to determine road impact fees and are going to tie the road impact fees for overweight vehicles - not gas/oil specific.

The Board indicated it could be for gravel pits, cattle, etc.

Bob added that the County was going to determine this system based on a past baseline and current condition of the road so we can determine the costs involved in maintaining these roads up to standards.

King stated the County has a condition reading on the road based on the deflectometer tests done in 1992 and want to draw a correlation between the road condition analysis that was done then and what it is now.

Bob asked for clarification as to what report Maxim has done but not given to the County?

The Board stated none.

Bob then clarified - but, they are supposed to give us FWD testing. This makes more sense then as to why they may be avoiding his contacts if they haven't done the actual work.

King confirmed that Maxim knows they need to get out and do the actual testing. He added that Chin Northern originally did it.

Bob asked - do we stress a sense of urgency or wait until Autumn?

King stated they recommended until Autumn. If Bob talks to them directly it is possible to do some compromises.

Commissioner McCown favored doing this study now as it is giving everyone the benefit of the doubt.

### ***Executive Session - Personnel Issue***

Commissioner McCown requested a brief executive session to discuss a personnel matter.

Mark Bean, Bob Szrot and King Lloyd were requested to remain.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of an Executive Session; carried.

### **RE-SET PUBLIC HEARING ADOPTION OF RESOLUTION CONCERNED WITH ADOPTION OF PERMITS AND FEES FOR USE OF COUNTY ROADS BY OVERSIZED VEHICLES AND CLOSURE OF COUNTY ROADS.**

Don DeFord, King Lloyd, Bob Szrot and were present.

Discussion was held.

Don submitted copies of the State's response and suggested clarification was needed on what type of permit. The State bases their language on a special permit.

King said there appears to be some misunderstandings on their part and perhaps some Statutes have changed. The Resolution that the County is updating has been into effect since 1982. The same Resolution was used and the fees were updated. No adjustments had been made since 1982. No language was changed however.

Don agreed and the intent is to provide permits for all overweight/oversized vehicles.

King said when reference was made to a special road permit it referenced a race, a parade and similar. To the State this meant moving a house. King mentioned that the permit reads "all motor vehicles or combination of vehicles which exceed the height and/or weight specifications contained in 42-4-501" and this sensed the criteria. The State did not reference this is their comments that this was Garfield County's standard.

Don stated the County has adopted the State's standards for the roads.

King stated that most of the time the County roads are require less weight than the States.

Don stated the different language such as 'special' can mean different things to the State than it means to the County.

There is a conflict in the language being used in the County's 1982 Resolution.

Don suggested to clean this Resolution up and be in compliance with the State's requirements.

The State asked if revisions are made, then send them back a copy for their review.

Don will sit down with King and redraft the Resolution; select a date in order to have time to submit this to the State and receive State's comments.

A date was set for August 17 at 3:30 P.M.

Harry Colburn owner of Harry Heavy Haulers commented and asked for this permit process to be more standardized with the State's requirements. The State is talking about a Chapter 6 Permit which is anything over 200,000 lbs. in weight and over 17 ft. wide and you have to call in and obtain a Chapter 6 Permit. If you need to haul this material from Point A to Point B, the State determines if there is a bridge with a weight restriction or if there is something over and above the standards such as power lines or a viaduct that is too low and consequently advise of the route to take. This is what the State means by a Special Use Permit.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to reset the Public Hearing for August 17, 1998 at 3:30 P.M. to adopt the Amended Resolution concerned with adoption of permits and fees for use on County Roads by oversized/overweight vehicles; and closure of County Roads; carried.

### ***Model Traffic Code***

Don mentioned he has sent the Model Traffic Code out to various offices within the County. The Sheriff, King, Bob and each member of the Board have copies of it.

Chairman Smith clarified if the County adopts this Code then it doesn't mean taking over the right-of-way permits.

Don stated right-of-way permits are access permits and are entirely different. Don added that there is a specific State Statute that says Counties can adopt the 'The Model Traffic Code.' It was drafted originally for the Municipalities statutorily, however the Counties have adopted it.

Commissioner McCown clarified that the benefit of implementing this means that direct funding comes to the County versus the State.

Commissioner Martin explained that anyone charged in the County but under this present system under the State, the funds go to the State; if the County adopts the code, it's the same way, same courts, but the funds come to the County. The charges can go to either State or County, depending upon the way it is written.

Commissioner McCown mentioned it would still be up to the law enforcement entity or individual officer as to how he wrote the charge.

Commissioner Martin stated yes it was.

Don stated he sent a copy of this to the Sheriff and the District Attorney, but not to the Court.

Don said he would reiterate what he has said before, history around the State shows that by itself it is not a revenue maker. It has generally been adopted by Counties around the State when they have other reasons they want to get into the local enforcement. Eagle, for instance, on parking; Douglas County to control their own traffic enforcement because they are becoming an urbanized County; and some other reasons around the State. He suggested the Board look at it from this perspective - part is revenue but they should also look at other reasons other than revenue as to why they want to adopt it.

### **LIQUOR LICENSE - KUM AND GO, LLC; 3.2% - PARACHUTE, COLORADO**

This was rescheduled to July 20, 1998 at 1:35 P.M.

### ***Water Quality Control - Discussion Continued***

Bob Szrot, Don DeFord and Mark Bean were present for the discussion.

Bob Szrot said the question which remains, does this County want to take a proactive stance? If we do it would be from the Pitkin line into Garfield County along the Roaring Fork and Colorado Rivers and this is the area we would be responsible for and concerned about. Bob asked Bill McKee if there was any plan on the 208 along the Colorado River covering the State? It didn't sound like we did.

Chairman Smith mentioned this is the question that she would like to have an answer on from Bill McKee. Also, what is the State's agenda on the 208's and are they mandated to cover the State. Another questions, if we talk regional on some of this water/waste water, where do we come in when we have two different entities that may have been doing this study.

Bob said it was his gut feeling and it might not be relevant but it seems like the State is overburdened, overtaxed and understaffed. With Bill coming here and meeting with the Commissioners, and what he has read, Bob said what they are pushing is to get local entities to be more in the front of the decision making process.

Commissioner McCown commented the 'in front' was correct, but we are not allowed to make the decision.

Bob said he asked Bill, if we do not have any 208 water and there is no pollution according to 208 (they have a 303D monitoring list) then how much of this is in Garfield County? There was three (3) different categories: 1) a TMDL troubled streams; 2) monitoring lists and 3) waste water treatment facilities.

Chairman Smith asked what were the troubled streams.

Bob stated Coal Creek and Crystal Creek which are not in Garfield County. So, there were none in Garfield County. As far as the monitoring list the 303D list, The Colorado River has started getting a little bit more sediment, but it's not on the list. So Garfield County doesn't have any 208 and the 303D on the State's list at the present. Waste water treatment facility point sources when the State is permitting them, can tighten up the perimeters to assure water quality and some of the ones that came up in the discussion and would be renewed within the next (2) two years are the Ranch at Roaring Fork, Sopris Village, Ski Sunlight and the Town of Carbondale.

Summarizing, Bob asked Bill, since we do not have anything on the 208 nor the 303D, then why should Garfield County participate and why would we want to be proactive? The way Bill explained it, Los Amigos would be a good example or the Ranch at Roaring Fork a better one. The Ranch at Roaring Fork wants to put in a bigger facility. They don't even stop at the County, they talk to the State, the State says okay, we'll approve the permit, things are pretty much said and done as far as approvals. In a proactive stance, Garfield County would sit down the people at Aspen Glen, Ranch at Roaring Fork, future developers that have indicated they want to tie into one or the other of these facilities and you look at that and see there are five or six entities so let's look at the overall picture and how is there funding available to put a bigger plant at one of these sites. It is getting everyone communicating with each other.

Chairman Smith said that her concern is that the State keeps changing the rules. She added that this was done with Aspen Glen. The Board didn't want small plants. But now smaller plants aren't bad per the State. So this leaves the Commissioners not knowing what will be next. Therefore, an answer needs to come from Bill McKee on Region 12, is the State being mandated to cover all the State in 208's within a period of time due to the changes that have come down on the Clean Water Act. The other problem she has with this is that what was adopted from the Federal back to the State, part of where you talked about point source and non-point source pollution, they totally left out. This was called to their attention in the federal review of that and they never did put it back. Therefore, this is a real problem and wondered if Garfield County was being pulled in to something because they are being mandated they have to do this. Commissioner McCown referenced for Bob to contact Jim Evans of Associated Governments as a good source of information for him. And rather than a particular County taking this on, it might be something that could develop into a Regional effort. When the Colorado River leaves Garfield County, it's in Mesa County and it's all tied together because this County cannot clean up the water at our County line if it's not clean when it comes to us or clean it up before it leaves our County. It is Eagle, Garfield and Mesa County's problem.

Bob drew a flowchart:

208 Federal Program  
Governor of Colorado  
Regional Planning Entity - Multi-County  
Managing Entity - City/County

Waste Water Treatment Facility = Operation Level (very site specific)

The Regional Entity was at one time located in Rifle, but it is no longer in operation from the Water Quality Act. There could be a role for Garfield County at this level or at the Managing Entity. At the present Garfield County is not involved at either level. The question is - do we want to be involved at either one of these levels? By being a Managing Entity, we have access to

some loan funding that private waste water treatment facilities do not. The County has to do these things for the dollars and the Products Garfield County would receive from this:

- 1) Waste Water Service Area Map;
- 2) Source Water Influence
- 3) Recommendations for Facility Upgrades, Location and Timing  
(Similar to a Comprehensive Plan)
- 4) Public Relations and Marketing  
(citizens and local interests in water quality and waste treatment in service areas)  
and
- 5) Participation in an Advisory Committee  
(Could be local or to the State - Service Area Advisory Committee with a Representative from Garfield County sitting on the Committee)

Don DeFord said a 208 Plan is supposed to be coordination of development and service plan area. Bob said in his discussions with Bill McKee, there are three categories within the 303D list:

- 1) TMDL  
(Troubled Streams - Coal Creek and Crystal Creek)
- 2) Monitoring 303D List  
(Sediment in the Colorado River)
- 3) Waste Water Treatment Facilities Point Sources  
(Renewing treatment facility permits where you look at the environment)  
Remedy - tighten up the perimeters
  - BOD's
  - Total Suspended Solids
  - Ammonia
  - Fecal Solidity

Why get involved in the process and what are the products that Garfield County would be looking at if a decision is made to become proactive. Here again is where the 5 products mentioned earlier take effect.

Mark provided the history prior to Bob coming on staff with Garfield County. The State in conjunction with a local engineering firm, Schmueser Gordon Meyer had meeting down in Grand Junction where a lengthy discussion was held on the Roaring Fork quality. Two issues came out: 1) TMDL and 2) 303D with Ammonia. The Roaring Fork River was already a concern of theirs. Basically the perimeters for discharge and every new and existing plant in the area may be down to almost 1 mil per liter which is next to impossible without tertiary treatment and impossible to do with the aerated ponds. Now, is Bill McKee saying we don't have that?

Bob reiterated that he asked Bill McKee this question and was given a 'no' response.

The question is - does Garfield County want to take a proactive stance?

Mark said yes, we are asked this in every site review application. Involvement will give the County a stronger recommendation and has teeth in the system in having a stronger position in terms in locating, approving and making recommendations as to where waste water treatment facilities should be located and helps give the State and arguably other entities guidance. Commissioner McCown asked why it mattered on the location of these facilities as the only two sources were the Roaring Fork and Colorado Rivers.

Mark said it does matter and referenced the TMDL issue, the separation between discharges will help in terms of the perimeters that a particular entity has to abide by as far as discharge to dilution. Also what other non-point sources are in that area.

Don stated the current Subdivision Regulations gives reference to the 208 Plan.

*Funds to accomplish the proactive stance*

The State has some funds but it requires local contribution - a 40% match of the \$15,000 and we would have to come up with an equivalent of \$10,000. Bob said it could be a match of in-kind and it also could be Bob's time.

Chairman Smith inquired as how much time does this require of Bob.

Bob stated that if he devotes 4 hours a week, it is still a matter of being proactive.

Commissioner Martin stated he wants to be more active for peace of mind and have better involvement in the process.

Bob said to apply for the funds it requires a form to be filled out.

Commissioner Martin favored looking at the form, evaluating the overall cost and then commit to it after that.

Chairman Smith advised Bob to proceed and obtain more information but also wanted her concern answered - has the State has been mandated to have the 208 Plan revamped within a certain amount of time for the entire State?

#### **DISCUSSION: COUNTY ROAD 109 ISSUES**

King Lloyd, Bob Szrot, Mark Bean and Don DeFord were present for the discussion.

Bob presented an update on County Road 109 from Schmueser Gordon Meyer. Further, there was a meeting on Thursday with King, Schmueser Gordon Meyer, Jim Leuthueser and Sam Phelps. All the players looked at the needs, what is missing and everything was resolved.

##### *Kaiser Seivers Ditch*

Chairman Smith asked if this was resolved?

King said there was (2) two share holders and Aspen Glen has the majority of shares and on the Coryell Ranch - Aspen Glen picked up the option for now.

##### *Right-Of-Way acquisition*

Don asked if these issues are resolved now so he can proceed with acquisition?

King stated the direction being followed was the right-of-way would fall 5' beyond the toe of any fill-slopes or 5' beyond the top of any cut-slopes or 60' whichever is greater. There will be an additional temporary construction easement identified as well where needed to accommodate construction of the road. The lines were drawn and they were not lines that were typical to a legal description. One of the items needing to be worked out was would it be appropriate to straighten lines and do jogs where appropriate so that it would look like a normal survey.

Bob described the right-of-way looking like a saw-tooth; therefore, one of the options was to smooth it out in order that property owners might be more responsive to the new boundaries.

Don said one of the request he knows his office will get as part of acquisition is that we

reestablish fence lines as part of an agreement, will this right-a-way allow them to do this?

King said those at the table agreed to supply Don's office information as to what was existing prior to the construction. Typically people want like for like.

##### *Scheduling*

Don's office will have plats and legal descriptions mid-month.

King said this schedule was to everyone's agreement, including Sam. King said he will call Louis and make sure there is clear understanding on the fences.

##### *Bike Path*

Jim made a comment of the concern of the design of the bike path and how it was to be constructed. Schmueser Gordon Meyer's understanding is that it would be the paved portion of the shoulder of the travel lanes. SGM says this does not meet any engineering standard for a bike path - paved to 3 1/2 width - and would need to be less than the 4 foot and need 6' of gravel.

Based on this theory - what does it do to Aspen's Glen's bike path.

##### *Aspen Glen - Proposing an Amendment on their portion of Bike Path*

Mark stated there is an Amendment by Aspen Glen proposed to amend their bike path to match the County's. Currently, they do not have a choice to not build.

Don - if you are not, why do they? The language was clarified as "where feasible and the County" was not committed.

King said in discussions held a few months ago it was clearly understood that Aspen Glen would go with the separate bike path. King added that the standards for a bike lane at 10'.

Don clarified that bicycles are considered vehicles and can use the road as long as they are using a public road, abiding by the rules of the road following the traffic.

King said the current design of the road is to have 3 1/2 feet on either side of the road.

Commissioner Martin read from The Model Traffic Code - 14.12.5 "any person riding a bicycle shall ride on the right-hand side of the lane."

#### *Direction Given*

King is to have 3 1/2 feet on either side paved with 6" of gravel.

#### *Speed limits*

King stated he posted the speed at 35 mpr on the portion that was opened back to the public.

John Stroud stated he uses this road and as a citizen he would like to see 35 mpr and also a 3 1/2 feet lane for bicycles was enough.

#### *Thickness of Asphalt*

King, Bob, and Mark will get together and discuss the pavement thickness. King stated traffic patterns of Aspen Glen, the gravel pit, and if axle loads are taken into consideration then they will identify the criteria for doing the 4 inches of asphalt and perhaps other developments will pay for part of the cost for this extra thickness.

#### *Acquiring Right-Of-Way*

Don informed the Board that where County Road 109 approaches County Road 108 is where a substantial relocation of the right-of-way. This may mean acquiring new right-of-way and vacating existing right-of-way.

Chairman Smith commented that this may be the most controversial issue.

Don agreed it may be the most difficult. However, in looking at the platting done to date by Sam Phelps, it looks like the County may not have to acquire as much right-of-way as first anticipated. King agreed it was a reduction in area overall.

Don said the actual count of acreage needed would be ready in two weeks, but it's real close and it looked like a net gain on three properties.

#### *Retaining Walls*

Chairman Smith asked about the different types of retaining walls. Is this what King finally agreed to?

King stated there were two different applications: one is a cut retaining wall and the other is a fill retaining wall. The Soil Nail is the cut and the Tie Back in the fill and it will be no more than 10 feet. King was concerned about the Soil Nail. With the Board putting a height limitation, he said he feels better. The Soil Nail application is what is being used by the Shale Bluffs going into Aspen. He expressed a concern however since there is the irrigated pasture above this area and there is a chance that water may show up where it hasn't before.

Commissioner McCown expressed his concern about water accumulating behind the Soil Nail Wall.

#### *Kaiser Siever Ditch*

King mentioned that during the discussion held, apparently the agreement was that Aspen Glen was going to pipe the part of the Kaiser Siever Ditch that was on the hillside above County Road 109 because of problems the County has had in the past. The decision has been made that the ditch is not going to be eliminated in its entirety. The siphon did go in that will carry the water in the Kaiser Siever Ditch but there are waters from the springs and from waste water off the mesa above that comes down through the various gullies and off of the hillside. Because of that it couldn't capture the water and put it into the siphon, so there is still going to be a ditch above County Road 109.

Don said he wasn't aware of that. There will still be water above the road.  
King said there still is a chance that some of the problems experienced before will occur where the slopes fail and come down onto the roadway. It will be less a volume than before.

***Draft of Letter to Glenwood Land Company***

Don presented the letter to the Commissioners for review.

A decision was made by the Commissioners to eliminate the Wulfshon Property from the potential jail sites due to the response from the Glenwood Land Company.

**DISCUSSION: LEGAL ISSUES - ROARING FORK RAILROAD HOLDING AUTHORITY (RFRHA) EXECUTIVE SESSION**

A motion was made to go into an Executive Session by Commissioner Martin and seconded by Commissioner McCown to discuss issues related to Railbanking and an Environmental and Historical Report filed in an amended form containing errors and misstatement of fact; also the potential need to retain legal counsel to provide advice to the County on Railbanking Issues; carried.

A motion was made to come out of Executive Session by Commissioner Martin and seconded by Commissioner McCown; carried.

Action Taken

A motion was made by Commissioner Martin and seconded to give direction to the County Attorney to respond to the Environmental Study and address the errors to the Surface Transportation Board (STB) as well as copy Bob Noone and those on the list invited by RFRHA; also a letter to Congressman McInnis indicating his concern over the transfer easement or the lack of local elected officials prior to funding this Railroad Holding Authority easement; carried.

***Genesis Laboratory Systems - Fairgrounds***

A motion was made by Commissioner McCown to proceed with the Genesis Laboratory System out of Palisade, Colorado for \$26,946.00 for the PA System at the Fairgrounds. If there is a time frame beyond the Fair or if the price has gone up to get back to the Board. Commissioner Martin seconded; carried.

***Adjourn - 5:20 P.M.***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

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JULY 13, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, July 13, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were Interim County Administrator Dale Hancock and Mark Bean; Assistant County Administrator Allen Sartin; and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Marian Smith called the meeting to order at 8:00 A.M.

**ASSISTANT COUNTY ADMINISTRATOR**

*Fairgrounds*

Allen Sartin presented that Lee Moss was here today to present his staffing needs before the Board.

Lee said that JPTA will only be through this month and added that he needs individuals with more experience.

The Board asked Lee to keep using the volunteer staff and then staff up for next year in the budget.

Lee has paid an hourly rate in the past of \$7.80. Lee asked for two additional people. Lacy Pages of Garfield Youth Services mentioned having some youth that need to complete their community services and this may get him through it this year. These will be part-time people.

Commissioner Martin suggested to hire one temporary part-time person for the next 8 - 10 weeks. Chairman Smith suggested to keep Garfield Youth as a back-up but to go ahead and hire one person.

Lee stated there will be approximately 300 stalls to clean during the Fair.

Commissioner McCown suggested like Chairman Smith to go ahead and hire one temporary person now and if the other volunteers do not work out, then hire a second one.

Chairman Smith suggested Lee talk to Steve Carcaterra at Lift-Up to see if there is some help available through their agency.

Commissioner McCown suggested the Rifle Correctional Facility and that Lee take the required 8 hour training class in order to be on the list for workers.

Allen Sartin suggested to see Barbara Ramirez to see as she would be able to direct Lee in places he might be able to find help.

*PA System - Fairgrounds*

Dale stated that this was in process.

*Personnel Changes*

Liz Nelson, formerly helping Ruth in Administration, is currently on contract with Tillie Fisher's Secretarial Services. She has been hired by Road and Bridge and they will finish out her contract until July 20, and then she will go full time with Road and Bridge with a small buyout of \$400. Ruth will be looking at additional staff to help in Administration.

*Budget Supplemental Requests*

Allen stated he has received four additional supplementals. He projected to have a complete breakout by next week.

Chairman Smith mentioned she appreciated all his work.

*Tim Sarno - Energy Impact*

Dale said he talked to Tim Sarmo with Energy Impact and they did an additional cycle and the next application is due on August 3 for a November award and October for a February 1999 award. The process was discussed as far as the Board putting a committee in place to review request and Tim reminded Dale of what their capabilities were which were between \$250,000 and \$300,000 maximum with a 50% match required of the County. Tim asked if the Board would be willing to have someone from the oil and gas industry to become involved as part of the review process. This has not been done in the past and it is something they may want to consider.

### ***Energy Impact Committee***

Dale asked for the time frame and input.

Chairman Smith suggested if they were going to look at the composition of the committee, you have municipalities, counties, add industry and someone ought to be on the committee representing special districts.

Commissioner McCown asked who takes the lead in this reorganization.

Chairman Smith stated this Board. The Core Committee goes back to the late 1970's. It was usually the mayors, the municipalities, or their designated representative and the school districts. Dale stated Tim's concern is that the request be energy related.

Allen added that it is a capital expense in nature.

Chairman Smith suggested to use the current board consisting of Town Mayors, City Managers, School Districts and get in on the grant cycle, later considering the reorganization of the Committee.

Mildred offered to research the minutes to determine the exact composition.

### ***Mission Statement from Tele-Commission Authority Board***

Dale mentioned the UNITEL study has been complete. This has been distributed back to the Committee for review on the local service.

### ***Phil Vaughn - Taughenbaugh Building***

Colette and Dale met in respect to the remodeling.

Dale had a meeting with the occupants in the building and went through their vision of the changes.

Dale, Allen and Margaret have met and will be presenting an overall picture next week.

Allen stated at this point he is having a discussion about how to approach the problem and what is the best strategy. Allen asked they start moving forward to meet three different levels on the project: A) What needs to be done immediately to meet legal and mitigate any insurance risks in that building; B) the plan currently identified consisting of a short term plan and C) what is a long term plan over the next 3- 5 years. We need to come to a consensus on that strategy in order to know how best to spend money. \$125,000 in the overall budget of \$25,000,000 may not seem like that much but in terms of capital expenditures there is a limit to do capital work and there is a need to be careful how this is expended.

Colette looked back at the proposal and they only put \$80,000 in capital funds; it will require another \$35,000 to review heating and cooling. The new proposal that occurred last week with Mountain Valley Development has changed - they want to give back some of their space.

Nursing and Social Services could have more space.

Allen said that Margaret was going to do some additional work for Allen as he became aware that part of the space is dealing with the nursing office which will not qualify for Social Services money so this needs to be addressed. They are working on getting all the loose ends together to come up with a proposal.

Dale said that CTSI did a walk through on risk assessment.

Colette added that CTSI locked up the playground with a cease and desist order due to being unsafe. This was being used by Mountain Valley Developmental Services.

### ***Vaughan/Brenner - Remodel for the Courthouse***

Mark presented a contract from Vaughan/Brenner for the drawing and remodel proposal at the Courthouse of \$1845.00.

A motion was made by Commissioner McCown to approve the bill. Commissioner Martin seconded; carried.

#### ***Vaughn - Standard Form of Agreement***

Mark said that Phil Vaughn is ready to start the remodeling. Mark presented a standard form of agreement between owner and design builder for this construction work. The building permits applications have been submitted to the City.

Don stated the County needed to have a certain type of insurance.

Mark said that Phil Vaughn will start in all places at the same time. Mark stated Phil will work in the evening when he can.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the contract for \$40,050.50 for the remodeling in the Courthouse.

#### ***Regional Fire Station - Airport***

Interagency Fire Issues

Chairman Smith volunteered to sit in on the discussion.

Mark stated they wanted to set it up this week.

Don mentioned that Bob Howard should be involved in these discussions.

Mark indicated that Phil has come up with some figures that reduce the cost. There are some BLM funds left in their funding cycle that may be able to be used in this construction costs.

#### **DISCUSSION: TERM LIMITS WITH ELECTED OFFICIALS**

Don gave the elected officials a draft Resolution to review. This draft Resolution is similar to Sam Miguel County's and others. There are choices that need to be made.

Mildred explained that some leave out the Commissioners, some list the offices and individually name the types of offices placed on the ballot. There is 21 initiatives on the ballot. This can be done in an off-year. Georgia had a timing issues and maybe putting the Commissioners on one ballot and the other elected officials. Mildred stated they all liked the language on the ballot.

A decision was made to put this off one week until the other elected officials could be present. Commissioner McCown suggested that the Resolution needs to include all the County elected officials and not individually listed.

#### ***District Attorney - IGA***

Chairman Smith commented that Allen raised a question that needs to be answered. Why is Garfield County the administrating agency for the District Attorney's office? Does this come down from the State Judicial?

Don explained no that the County was supposed to have an Intergovernmental Agreement that specifies this. This is not in place right now. The reason there is not is the question on funding as was discussed many years ago. The expenditures in the District Attorney's office used to be driven solely by population and because of that, Garfield County would end in a disproportionate share and the Board of Commissioners, at that time, decided not to go forward because it would result in a greater expenditure by this County and was proportionate to the case load. This was 12 or more years ago. Things have changed since then and it is by default that this County has become the administration for the DA's office.

#### ***Time Set for July 20 - Resolution - Term Limits***

A time was set for 9:45 A.M. next week.

Mildred was asked to request the elected officials to be present.

#### ***County Road 109***

A bad mud slide occurred over the weekend. It is visible from Highway 82 and has virtually closed County Road 109. More will be discussed on this under Road and Bridge.

## **JAIL DISCUSSION**

Sheriff Tom Dalessandri, Dan Hall, Dale Hancock and Al Maggard were present.

### ***Jail Count***

Total in Jail: 113; 38 main jail; 29 Work Release; 4 females; 11 Home Detention; 3 Workenders 28 in other jails. 5 in DOC.

Tom reported on the hanging of an inmate that occurred and complimented his staff for using CPR to revive him; however he passed away later in the evening.

### **Mud Slides**

Tom thanked King Lloyd for the help he gave in the Glenwood Canyon during the mud slide at Bair Ranch that closed Glenwood Canyon for about 9 hours. The slide occurred approximately 7 P.M. and took out the westbound lane. King supplied the water trucks and it saved about 2 hours. The Canyon westbound lanes were finally reopened 3:45 A.M.

County Road 109 on the Carbondale end endured the biggest slide. It came down the drainage and was 15 feet deep. Tom mentioned this closed County Road 109 totally.

### ***Community Corrections***

Al Maggard - The Jail Advisory Board had asked him to write a letter to the Board stating the concerns regarding a study performed on the issues of the site location of the jail.

Al summarized that it is the opinion of the Advisory Board to have the jail located in Glenwood Springs as it is in the best interest of the areas of New Castle, Carbondale, and Glenwood Springs. This was based on the concern about growth patterns in the western part of the county as it relates to the eastern portion. The study showed that it will be years before growth patterns in Western part of the county would justify a need greater than exists in the eastern portion of the County. The Board commented that they will discuss this later.

### ***Other Jail Sites***

The Airport area in Rifle, the property west of Coors on Devereux Road and the Salt Plant were named as potential site locations.

Commissioner Martin commented that the City is willing to meet with the County and discuss the potential of a land swap involving the Salt Plant (total of 7 to 9 acres) they purchased for a Recreational Center. This would involve the County purchasing land at Wulfshon for them however. He asked that the staff be directed to meet with the City staff to discuss the potential. Don and the staff were also directed to meet with the Rifle staff to discuss sewer and water credits and the potential of using the southern station for the airport site.

### ***Budget Amendments***

The Board informed Tom that Supplementals to the budget will be on the agenda next week.

### ***Back-up Generator***

Tom mentioned the back-up generator failed and an estimated \$1500 will be the minimum to repair it.

### ***Roof Leaking***

Additionally Tom informed the Board that the roof is leaking and may require a new roof. It was successfully patched around the kitchen area just a year ago.

### ***Duct Cleaning***

This work was discussed last winter and Chairman Smith quoted \$4300 was allocated in the budget for this.

### ***Jail Painting***

The inmates are painting the interior of the jail themselves. It was estimated that it would cost approximately \$20,000 - \$30,000 to have it professional hired out. Tom said there were several professional painters in the jail at this time and offered to do the work.

### ***Concerns of Local Enforcement Officers***

Tom mentioned there was a meeting with Don DeFord and some of the law enforcement officer in the local areas to discuss the problem of mental health holds (M-1), intoxicated arrests, and preexisting illnesses.

Don DeFord verified that until custody transfers, municipalities are responsible for those arrested in their boundaries.

Chairman Smith said that the Five Counties were looking into an effective way of dealing with this problem and talking with Ken Stein of Colorado West Mental Health. Additionally, St. Mary's Hospital may be contacted for a Regional facility.

### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

*Tammy Meck* of County Road 156, requested the Board reconsider the detached bike path along County Road 109 and also not to allow Aspen Glen to amend their PUD removing their separated bike path.

Chairman Smith relayed the right-of-way is too narrow going South and the County made a commitment to have a separate bike path if it was feasible to do. She mentioned the County would need to acquire 5 - 6 acres additional along the road.

Tammy requested that the Board keep the option open for a future trail and maybe somewhere down the road it can be done.

*Steve Wolf* - Life Cycles in Carbondale

Commented on the 5-7 acres the County would need purchase. He appreciated the 3 1/2 foot bike path joined in with the County Road but said there is a ton of money for bike paths that could be accessed.

Commissioner Martin informed Steve that it was not only a source of funds that were needed, the owners of the property do not want to sell.

Don explained the problem of the present Board making commitments for future Boards.

Steve told the story of Bobby Julich, who as a 12 - 13 year old boy, how his dad forced him to go on a bike touring class trip. Today, he is fourth on the tour de France which is currently going on. With more people living here, more cars and bikes are on the roads, it makes it hazardous for small children to be able to ride and be safe with cars whizzing by.

Chairman Smith commented that to go from 10 feet to 3 1/2 feet on a bike path may be asking for a real problem if it isn't continuous.

Chris Chacos and Dave J. Black with the Trails Committee in Carbondale commented in favor of keeping some of the bike trail and mentioned they were grateful for the 3 1/2 foot on each side at least. Dave suggested a research of other alternatives such as deeding land for the bike path and getting a tax benefit. He asked for the Board to keep the options open as it is important to have a nice bike path. Dave would prefer to have a separate path however the disadvantage is that debris and rocks need to be swept off one to twice a year.

Chairman Smith commented that the County does not have a street sweeper and suggested cooperation of those using it to sweep it. She also mentioned that the Aspen Glen request for amending the PUD first goes to the Planning Commission and then to the Board.

### ***Barton Porter - Sierra Bluffs***

Barton Porter reported that the roads in question were okay in some spots and other areas needed to be touched up.

Don DeFord inquired if Mr. Porter had provided the report to Jim Leutheuser.

Barton stated that he did not.

Barton Porter stated his Attorney John Howell from Hoskins in Grand Junction talked to the Assistant County Attorney.

Chairman Smith stated this is what they wanted brought before the Board.

Barton added that Mr. Johnson, the one the county is trying to keep him from legally selling a lot to, will be in to see the Board today and give his version of what they are running up against with the County's Attorney. He added however, that the lot is sold and it has transpired.

Barton was instructed that he should provide all this kind of information to his attorney and then to Mr. Leutheuser and then onto the Board. Barton stressed that he feels the County has no right to contact and talk to his client and neither he nor Mr. Johnson likes this. He is quite disturbed about the way the manner was written as it insinuated that he had forged the letter. Mr. Johnson got a letter from the County Attorney that the Board wanted him in there to verify that he actually signed the thing.

Don DeFord commented that it wasn't necessary to contact Mr. Porter's clients at all and the situation would remain as it is.

Barton indicated he was getting very upset about the entire thing. He asked for a report to be submitted to him and he would go from there.

#### ***District Attorney - Trident Grant***

Mac Meyer stated that the grants were out of cycle; there was confusion regarding submitting a match for the 1999 grant when the application was originally submitted in 1997. At this point they have been advised last April that the grant had been approved and just recently requested certification of the match finalized. This will be for the 1998 up to June 30 of 1999, then it will go on another annual cycle. The other odd thing is that they applied in late December for a grant from the Office of National Drug Control Policy (ONDCP) for some of the things that are actually covered in this grant and they were awarded that grant in March. Mac said they have submitted another request for 1999 which has not been accepted or denied at this point; they are waiting to hear from the ONDCP. If they in fact approve that request this will reduce the amount of the Trident Grant. The goal behind this in planning for funding from Trident, now and in the future, is basically to look at number of funding sources and try to reduce the impact on local funding.

ONDCP request is all the equipment and office supplies, etc. The benefit to the ONDCP requires no match; it is 100% awarded by the Federal Government.

Chairman Smith complimented Mac saying he is doing the program as it should be which is working with his planning committee and keeping them involved.

Mac added that preventing and enforcement work hand in hand.

Commissioner McCown asked Mac to clarify the time frame and amounts that he was asking the Board.

Mac stated the one he is requesting funding for now is from October 1, 1998 through June 30, 1999 - total of \$30,614 but \$10,205 is from the 1998 District Attorney's budget. This was not budgeted in. The last one the Board approved was in April of 1997 and it is over September 30, 1998.

Chairman Smith clarified that Mac is asking for \$30,614.00.

Mac added that \$20,409 will be from the 1999 budget which hasn't been submitted yet.

Commissioner McCown mentioned this will require a budget modification of \$10,205 and then the remainder will reflect in the 1999 budget.

Mac said he submitted a budget modification report that came out from Allen. Mac said he had put \$27,000 back into the budget that he anticipated using for major case expense and that was needed.

Allen added this could have a Resolution in support of the program and in support of the funding for their program.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Resolution in support of the program and in support of the funding for the District Attorney; carried.

Mac will put something in writing for this and submit it to the Board.

#### **COUNTY BUSINESS - BUILDING AND PLANNING REPORT**

Mark handed out the Building and Planning Report for June 1998.

##### ***Building Department Issue - Remote Cabins***

Mark said they have done some research on it and they are running into some difficulties timing wise and asked the Board if he could hire Art Hougland to put together some language for the remote cabins for potential adoption on the policy. He added it would be handled on an hourly basis and estimated \$1000 to \$1500.

Commissioner McCown made a motion and seconded by Commissioner Martin to contract with Art Hougland for a fee not to exceed \$1500 on primitive cabin regulations. carried.

##### ***Resolutions and Plat - Eagles Nest and Forsythe Investment***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution for Eagle's Nest at Aspen Glen Subdivision; carried.

##### ***Resolution and Plat - Charles Ryden***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution and plat for Charles Ryden concerned with granting an exemption from the Garfield County Subdivision Regulations; carried.

##### ***Resolution and Plat - Shirley Zancanella Family Trust.***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Shirley Zancanella Family Trust; carried.

##### ***Resolution and Plat - Whittington***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Valton D. (Del) and Toni L. Whittington; carried.

##### ***Resolution and Plat - Arbaney***

A motion was made by Commissioner McCown made a motion and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Elmer Arbaney; carried.

##### ***Plat - Dakota Meadows***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a plat for Dakota Meadows; carried.

#### **DEPARTMENT HEADS**

County Engineer Bob Szrot stated he had two issues: 1) he asked for *direction* from the Board to continue on a *roadway inventory* and *impact fee plan*. He submitted a conceptualization of where he could go with this if directed and 2) the *Maxim Report on Impact Fees*.

Dave Adams and Frank Carmichael of Maxim have discussed this report with Bob. Maxim is not planning to thump the roads. However, Bob added that he was under the impression that Maxim was going to re-visit the sites previously thumped in 1991; re-thump them and then produce some data. Dave referred Bob to a fax dated March 26, 1998 - Task Required to Develop and Implement Cost Allocation Method for Garfield County. This is what Maxim is planning on doing. The work tasks are listed as meeting with the County staff; selecting candidate roads;

collecting data from the files and federal highway administration; and reviewing pavement deterioration trends - Bob summarized that it seems to be a lot of file and data intensive work. Dave Adams is sending Bob a more formalized proposal because if this doesn't match what the Board wants done, now is the time to do something about it. Bob also talked to King and he defined his role in this. King didn't have a problem with Bob taking the lead. Now the plan includes meeting with Dennis Stranger. However there is another issue having Dennis look at things for tax assessment and Bob is looking for things regarding road deterioration. This led into the conceptualization where he sat down and came up with what he thought the Board wanted for a road impact system in the County. In that conceptualization there are four basic questions - 1) what roads do we have out there; 2) where are they located; 3) what conditions are they in and 4) what impact will different vehicles have on these roads. Then Bob broke it down to a task and information needed to do this and related the available material to the Board.

Commissioner McCown said he would like to inform Bob as to how all of this got started: The Board was having problems with the impacts that the oil and gas industry was doing to our roads. King offered the information from a study that was done in 1991. He said that could be used however, the information needed to be updated to current pavement condition standards and current cost of rebuilding, replacing, and maintaining said roads. The Board asked that he contact Maxim. All we wanted was those figures that they had updated to 1998 conditions and what it costs. If they feel that they can present a defensible case without going up there and thumping the roads, then okay because it will be contested by the industry; and Maxim's name will be on this. If Maxim feels comfortable by going back and using grafts to say this is the current rate of deterioration regardless of whether or not there is 10,000 overweight trucks or 50 family vehicles; and if they can provide this and feel comfortable with it, all right, but again their name will be on the report.

Bob said he was aware that the Board wanted information that would be legally defensible and Maxim relayed to Bob that they felt comfortable that they could do that without re-thumping the roads. This is the bottom line for the Board to decide.

Commissioner McCown asked how they knew what the existing condition of the roads were? It is hard to view this from an office in Houston, Texas.

Bob wants to nail Maxim down so there is no misunderstanding. He also submitted a letter summarizing what Maxim is going to do for the County and they will update it and have a little more explanation.

#### *Pertaining to a Road Inventory in General*

Bob said regardless of what the road impact structure evolves to, this is something he is looking into which includes updating the system; getting the coordinates into Rob; using methods to assess paved and unpaved roads; and coordinating this with King. Will the Board give Bob the go-ahead and authorize some funds if it is necessary to go overnight and visit some other counties that have a system in place?

Commissioner McCown mentioned that Garfield County is farther ahead than most Counties in the GIS system and stated there is a Road Impact Fee in effect in the Subdivision Regulations. The Board suggested trying to accomplish these visits to other Counties on a one-day trip and suggested Mesa as a starting point.

Bob did mention that El Paso is a system they would like to look at.

#### *208 Water Quality*

Bob said he did ask Bill McKee if the State is being mandated to redo the 208 within a certain period of time and Bill said no, they are not being mandated but they update it per Federal Law. Bill might come up for another visit with the Board.

#### *County Road 109*

The Board made Bob aware of the closure of County Road 109 and the mud slide.

Bob stated during their inspection of the road last week, there were signs that it was washing out with signs of porous spots and this was where the engineers were going to put the soil nail wall.

King and Bob discussed this with Louis Meyer and indicated they didn't think soil nailing was going to work and suggested looking at other alternatives to relieve that pressure.

The Board suggested Bob take a look at it.

### ***Motor Pool - Purchasing***

Mike McBreen presented two vehicles for sale that he had received bids on:

1986 Plymouth and 1992 Jeep Cherokee

Mike mentioned that the Plymouth was bid at \$125 and the Jeep at \$400. Both engines are gone and he recommended the Board accept these bids.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to accept the highest bid as presented by Mike; carried.

### **EMERGENCY MANAGEMENT UPDATE- GUY MEYER**

#### ***Grant for CRJ Workenders.***

Guy Meyer asks the Board to sign the Civil Rights Compliance for the Criminal Justice Workender Program.

A motion was made by Commissioner McCown authorizing the Chair to sign for the Grant for the Criminal Justice Workender Program.

Dale states that is basically states the Board is not violating anyone's Civil Rights in the County. Commissioner Martin seconded the motion; carried.

#### ***Fuel Moisture Content***

Guy mentioned the fuel moisture content from the Internet. It is 9 and 13 County-wide.

Therefore, the Board made a decision to leave the fire ban in place.

#### ***Airport Exercise***

Guy stated this year on August 3 from 9 - noon, they will do a functional with messages placing some pressure with the objectives to expose the airport to mass casualty and emergency personnel involving Block 110-11 with 80 souls crashing on impact and with a Cessna taking off. Everyone has been notified with a memo and a follow up phone call to make sure they know.

### **PUBLIC HEARING: SPECIAL USE PERMIT FOR A COMMUNICATION FACILITY LOCATED APPROXIMATELY 2 MILES WEST OF RIFLE, NORTH OF HIGHWAY 6 & 24. APPLICANT: QUESTAR INFORCOM, INC.**

Mark Bean, Don DeFord and Joe Greene were present.

Don DeFord determined that adequate and timely notification and publication were in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D - Project Information and Staff Comments and Exhibit E - Proof of Publication has not been received therefore the copy of the notice in the Glenwood Post of Friday, June 26, 1998 was submitted.

Chairman Smith entered Exhibits A - E into the record. Mark stated that this is a Special Use Permit for a communications facility located on a 40' by 40' parcel of land located approximately 2 miles west of Rifle off of Hwy.. 6 & 24. The applicant proposes to develop a communication facility that will include two small prefabricated structures, a 500 gallon propane storage tank and one 35 ft., self supporting tower. The facility is intended to be for private use by the company to acquire SCADA information for natural gas map points and for radio and telephone communication by Questar employees. One of the building will house a microwave radio, one LB radio, one UHF radio and a DC charger and battery backup system. The other building will house a standby generator and the power switching equipment. Installed on the tower will be a parabolic antenna and two directional antennas.

This is an unmanned facility and there is no need for water or sewer. The facility will operate 24 hours a day, 7 days a week.

***Recommendation:***

Staff recommends approval of the application, with the following approval conditions:

That all proposals of the applicant, made in the application and at the public hearing, shall be considered conditions of approval, unless specified otherwise by the Board of County Commissioners.

A copy of the FCC licensing of the facility or documentation verifying that the facility is exempt from the FCC licensing requirements.

All exterior lighting shall be the minimum amount necessary and all exterior lighting shall be directed inward, towards the interior of the lot. Provisions may be made to allow for safety lighting that goes beyond the property boundaries.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the Special Use Permit for Questar InforComm, Inc. for a communications facility as described in the proposal and application, major issues and concerns, suggested findings, and recommendations by staff; carried.

**PUBLIC HEARING: SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT LOCATED APPROXIMATELY 6 MILES WEST OF RIFLE, OFF OF COUNTY ROAD 309. APPLICANT: SHARON MARTIN**

Mark Bean, Don DeFord and Sharon Martin were present.

Don DeFord determined that adequate and timely notification and publication were in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; Exhibit D Project Information and Staff and Exhibit E - A letter from Michelle and Michael Shelle.

Chairman Smith entered Exhibits A - E into the record.

Mark stated that this was a Special Use Permit for an Accessory Dwelling Unit by Sharon Martin on a 7.95 acre parcel of land located approximately six miles west of Rifle off of County Road 309.

***Recommendation:***

Staff recommends approval of this application, with the following conditions of approval:

That all proposals of the applicant, made in the application and at the public hearing, shall be considered conditions of approval, unless specified otherwise by the Board of County Commissioners.

That the accessory dwelling unit shall adhere to all provisions of Section 5.03.021 of the Garfield County Zoning Resolution of 1978, as amended. Specifically, a well pump test shall be performed demonstrating the following:

- 1) That a four (4) hour pump test be performed on the well to be used;
- 2) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- 3) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;
- 4) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed dwellings;
- 5) An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallons of water per person per day;

6) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria, nitrates, dissolved solids and found to be fit for human consumption.

That the accessory dwelling unit shall adhere to the following standards:

"No open hearth solid-fuel fireplaces will be allowed on this lot. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting shall be the minimum amount necessary and all exterior lighting shall be directed inward, towards the interior of the lot. Provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"The minimum defensible space distance for structures shall be 30 feet on level terrain, plus appropriate modification to recognize the increased rate of fire spread at sloped sites. The methodology described in "Determining Safety Zone Dimensions, Wildfire Safety Guidelines for Rural Homeowners," (Colorado State Forest Service) shall be used to determine defensible space requirements for the required defensible space within building envelopes in areas exceeding five (5) percent grade."

"Garfield County had adopted a "Right to Farm" provision in the Garfield County Zoning Resolution in Section 1.08, which states among other things, that "residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector."

A structural engineer or architect to certify that all construction of the accessory dwelling is consistent with the 1994 UBC or identify the modifications necessary to comply with the UBC. A civil engineer will need to certify that the septic tank and connections to the leach field comply with the County ISDS regulations.

The following public input was entered into the record:

Connie Earhardt - 6006 County Road 309 Road - commented on the illegal use of a second dwelling without a permit and asked why it wasn't closed down when it was discovered? and There are a lot of people with second dwellings and to her understanding would be a change in usage in their area which might set a precedent. Therefore, she requested this be considered before this is granted. She is against it at this time.

Mark explained that once the Building Department is made aware of the violation, a letter is sent to the individual notifying them of the violation. Typically however, they give them the option to take corrective action in terms of needing to resolve if it can be legally allowed to be continued. In this case Mrs. Martin's option was to go ahead and make an application to try and make what was an illegal dwelling built in 1981 into a legal dwelling unit.

Wayne Wells 6691 County Road 309 - he owns 260 acres east of this tract. He had two concerns: the doubling of rural residency on small acreage and the other one is inadequate housing.

Evelyn Scott 6373 County Road 309 Road - most of the comments have been made about the precedence set by Mrs. Martin's second dwelling. She did enter Exhibit F - pictures taken.

Chairman Smith entered Exhibit F into the record.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the Special Use Permit for a second dwelling unit for Sharon Martin in the recommendations of staff listed in the packet. An addition was made to set a date certain of October 5, 1998 to have this completed. Discussion was held. Motion carried.

**ROAD AND BRIDGE DISCUSSION - BID AWARD - ROAD COMPACTORS**

King Lloyd and Steve Rippy presented the joint project with the Garfield County New Castle Branch Library parking lot and the Midland Road overlay.

Midland Road overlay includes clean ditches, haul away spoils, correct surface drainage along roadside, asphalt paving and shoulder gravel for \$26,600.90 and for the Town of New Castle Library Parking Lot to remove and replace concrete curb stops, lower grade in alley approximately 5"; excavate excess material from lot, haul, place and compact 4" of 3/4 gravel, and asphalt for \$1,777.74 for a total expense for Garfield County of \$28,378.34.

King mentioned for the record that of this 980 feet of this 1370 feet will be 50/50 between the County and the Town of New Castle.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the proposals for the Midland overlay and the Town of New Castle Library Parking Lot for a total amount of \$28,378.64 with the County's portion 50% of \$1777.74 on the Library and \$9,700 on the Midland Road overlay; motion carried.

#### ***Glenwood Canyon - Bair Ranch***

King mentioned the call for assistance came in by the Sheriff for water trucks to assist in the removal of mud off the Interstate 70 at Bear Ranch in Glenwood Canyon.

#### ***County Road 109 - Closure***

A mud slide occurred early Saturday morning by the Kaiser-Siever Ditch . King mentioned the mud was 5 to 15' deep on County Road 109.

King mentioned there is a cooperative effort being worked out with the Crystal River Ranch needing material. He estimated about 3 weeks before the road is opened again.

King will approach the State to assist in the hauling off of the material.

Chairman Smith related this was similar to the slide in July of 1955 on County Road 109 and also on Hwy. 82.

#### ***Beaver Creek Project***

King mentioned the sub-grade has been hauled in and stabilizing material and pit run. They are doing about 16 - 18 inches of that and this week they will start with 3/4 on top of that. The road will be stabilized above the Lucky 13 Ranch up to where the project started.

#### ***Dust Suppression Program***

King stated having the material available and scheduling are both contributing factors to the delay.

#### ***County Road 320***

Last week King met with Carl Bernklau and his son-in-law who have given a lot of material. Work has begun at the East end and they working their way back.

#### ***Weight and Oversized Reports - June***

These were submitted and reviewed.

#### ***County Road 266***

King mentioned a former request to vacate a portion of CR 266; now a gate was put up over the weekend between Mellos and Dick Mattick. There is a complaint being lodged by the ones who need to get to their head gates.

Chairman Smith referred King to Don regarding this issue.

#### ***Mamm Creek***

King reported that he, Bob and Dean staked the two alignments proposed. Mrs. Couey will give some land but she did not anticipate it going so far into her field. She is willing to have some of the curve shaved off.

The Board directed King to do what he can with it.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into the Board of Health; carried.

#### **BOARD OF HEALTH**

Mary Meisner gave the report.

There was a case of Hantavirus in the Wolcott area. Some general education and information was disseminated to the area newspapers, and the library coordinated with Valley View. Mary stated there was very good cooperation among the various health deliveries.

#### ***Health Officer***

Mary stated in this role she has worked with the State on the water control - nitrate levels in the Harvey Gap area. Letters were sent out to well owners and a pamphlet was included. A certified lab was recommended to have testing of nitrate levels.

This problem was reported by a private citizen on their nitrate level. Mary stated the State Health may never know the source of contamination. They are restricting livestock within a 100 foot radius, fertilizer and storage units. The Rifle Telegram did a well-maintenance article; and the letter she drafted was mailed to 200 well ownerships.

The Board asked to be kept informed.

#### ***Dental and Health Care Issues for the Indigent and Working Poor***

Mary included a report on a meeting that addressed these dental and health care issues. A decision was made to establish a task force and expand it to include public health in Pitkin, Eagle and Rio Blanco Counties. Steve Carcaterra of Lift-Up agreed to take on the leadership role and chair the committee. The next meeting is to be held on July 23, 1998 at the Lift-Up Offices in Glenwood Springs.

#### ***Pediatricians Closing***

Dr. Garcia is closing her office in Glenwood Springs and Dr. Nelson is moving her offices out of Glenwood Springs and going to Basalt.

On July 6, Mary Meisner called a meeting together of all the health care providers. A second meeting was called for July 10 and they pulled in the obvious stakeholders that were not at the meeting. They came up with a short term and a long term focus. What was agreed upon for the short term is: children in the Aspen/Carbondale area, in the low income bracket and on Medicaid, (that number is 1,000 or more) - then Dr. Nelson will cover the children from Aspen to Carbondale; the Grand River Hospital in Rifle will look at the children from New Castle to Parachute; in Minturn and Eagle - the Eagle County nursing service will provide services. In Glenwood there is an average of 80 clients per month on Medicaid that they are still working to find a possible medical home for.

Dr. Slater and the ER are available. Public Health will be hosting the ad for National Jewish Hospital once a month and offer them space. Dr. Garcia has been providing this service without rent and Mary stated they will continue to do the same. Mary presented that there is a possibility of opening up a Nurse Practitioners in the evening if this is one of the suggested solutions.

The long term focus is scheduled for a regional summit meeting on August 21 from 8:30 - 12:30 at the Glenwood Springs Courthouse and they will be looking at the pediatric and low income needs of the County.

Mark Bean commented that the State Health Department will look for a facilitator.

#### **HEALTHY BEGINNINGS - RESOLUTION: DEFICIT SPENDING**

Wanda Berryman, Mary Meisner and Allen Sartin were present.

A proposal was presented to take action on the deficit spending which included asking the Board to forgive \$20,000 of the total \$39,322 as of 12/31/97 and they will repay \$10,000 from the nonprofit now and \$4,661 next year and another \$4,661 in the year 2000.

Wanda stated they need to do a long-term solution. The cost of providing care is going up but they will look at other revenue sources or carefully evaluate how they are doing business. Allen has been having some good discussions with Wanda Berryman. Allen explained the request.

Chairman Smith also stated that Wanda came in midyear and was working with the budget that was established.

Mary stated that Wanda has worked very hard and done a very good job of working on cost containment.

A motion was made to come out of the Board of Health by Commissioner Martin, seconded by Commissioner McCown; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to honor the request of Healthy Beginning and forgive the \$20,000 and accept the proposal to pay back the deficit of \$10,000 in 1998 and \$4,661 in 1999 and 2000; vote: Martin - aye; McCown - aye; Smith - abstained due to her serving on that particular Board of Directors.

Mark was directed to draft a Resolution to forgive the deficit.

#### **DISCUSSION: LAND ACQUISITION - U.S. FISH AND WILDLIFE**

River District - Easements

David Soker - 103 Bacon Court No. 6 - Palisade

Henry Maddox - Director of the Colorado River Fish Recovery Program - 6624 South Newland Circle, Denver.

The topic of discussion was centered around the proposal to do land acquisition for the endangered fish to provide flooded habitat along the Rivers for the fish and the geographic area for this County goes from Rifle downstream on the Colorado River; it is a willing-seller program; and using easements whenever possible so the property stays on the tax rolls and thus creates a lower impact. The City of Rifle did provide comments on the environmental assessment. He had met with the City of Rifle before the public comment period ended and afterwards they met with the City Manager. Some of the concerns are still being addressed.

A discussion was held.

The program concentrates on the areas of Rifle to the Utah Boarder.

#### **CONTINUED PUBLIC HEARING: SPECIAL USE PERMIT FOR FABRICATION OF WOOD PRODUCTS, LOCATED APPROXIMATELY 3 MILES NORTHWEST OF SILT ALONG COUNTY ROAD 259. APPLICANT: DAVID SANTE**

Mark Bean, Don DeFord and David Sante were present.

Mark stated for the record that this was a continued public hearing.

Chairman Smith swore in new speakers.

Mark stated this was a Continued Public Hearing.

Chairman Smith mentioned she has previously admitted Exhibits A - G into the record.

Mark submitted a Letter from Diane Middleton was admitted as Exhibit H; Exhibit I - a letter from Attorney Chadwick; Exhibit J - Elder's letter; Exhibit K - Maps; Exhibit L - letter to Elder; Exhibit M - pictures 5 + small + 2 loose; Exhibit N - more pictures; Exhibit O - Assessor's map; Exhibit P - 4 pictures of the road and Exhibit Q - 5 more pictures.

Chairman Smith admitted Exhibits H - Q into the record.

#### *Public Opposition*

Additional neighbors opposing the property and speaking to the Commissioners and asking them to not allow the Special Permit included: Tom Glenn; Glenn Street; Jean Albro and Lee Copeland. The main focus was on the fear that property values would go down with an operation like this in their neighborhood.

Commissioner McCown reiterated that this was not a request to rezone the property.

The question was raised that Mr. Sante had not notified BLM within the notification process.

Don DeFord said that based on the County records, no legal notification was required. A determination was made that Mr. Sante does not border BLM property; Mr. Sante may have to provide an easement but he does not have to notify BLM.

Don said the Quit Claim Deed does not reflect that the easement is for residential use only. The Quit Claim Deed is the legal document and this is what the Board should go by.

Mark indicated that one of the issues here was incompatibility and the Board is not obligated to approve a Special Use Application if they are not satisfied with the access in and out of the property.

Don followed up on what Mark said by reading into the record: "in regard to compatibility, you may deny a special use which it deems in your eyes to establish character to the neighborhood or zone district in which it is proposed to be located; access states that all conditional and special uses must be provided with access use of adequate design to accommodate traffic volume generated by the proposed use."

Chairman Smith verified the date that Mr. Sante purchased his property - September 1997. A motion was made to close the Public Hearing by Commissioner Martin and seconded by Commissioner McCown; carried.

#### *Motion of denial*

A motion was made by Commissioner Martin with respect to the neighbors on both sides of the issues however, in this situation he would have to deny this request based on the grounds of the disturbance of the neighborhood due to noise, dust, traffic, changing of the overall neighborhood, property values and use.

Commissioner McCown did not second the motion.

Chairman Smith stepped down as Chair to second the motion.

#### Discussion

Chairman Smith added that she thinks this is a very emotional issue; added that part of it is due to the fact that people aren't sure what is going to happen; and she certainly thinks that Mr. Sante has the easements he needs; but increased use with heavy truck probably is very incompatible with this neighborhood.

Commissioner McCown said that in the recommendation should there be a motion to approve this, we can handle limitation of the type and amount of truck traffic that will be going in and out of that. There is an assumption on the part of the people that oppose this that there is going to be excessive damage done and if that should occur there is a clear line of liability and Mr. Sante would be liable for this. He said the Board has the ability to set regulations which will limit hours of operation, the types of vehicles used to haul in and out. That is the direction he would be going.

Vote:

Chairman Smith - aye; Commissioner Martin - aye; Commissioner McCown - nay.

Mr. Sante asked if he could reapply if he wanted to do this in a different way, say within a structure in the future?

Mark stated there was nothing to preclude Mr. Sante from reapplying and making another application, going through the same process.

Commissioner Martin suggested he needed to make peace with his neighbors.

#### **DISCUSSION - ROARING FORK RAILROAD HOLDING AUTHORITY (RFRHA)**

Don DeFord, George Rousso, Walt Brown, Ray Lloyd and Bob Noone were present.

Don said that last week the Board directed him to draft two letters: 1) was a letter to the Surface Transportation Board, Section of Energy Environment stating certain clarifications and corrections to the most recent filing to RFRHA and withdrawing objects to the proposal to Railbank and a draft of a letter to Representative McInnis concerning the status of the easement and transfer to an Elected Controlled Board.

Commissioner Martin asked George and Ray if Aspen Valley Land Trust still holds the easement or has it been transferred to another elected holding body.

George Rousso stated it still was being held by Aspen Valley Land Trust.

Commissioner Martin asked what is the process on holding the easement.

Ray Lloyd stated that we are still in discussions with AVLT and GoCo to satisfy all their requirement. Bob Noone is working on the language creating such a document.

George Rousso stated that the language creating such a organization has been prepared by our counsel and that has been distributed to each RFRHA members however, the item has not been scheduled as a formal item on the Board Meetings at this time.

Don stated the draft is in the nature of inquiring by Mr. McInnis's office to what his knowledge of the easement is. This tells what it is, therefore if the Board has further directions and what they want Don to do, they need to let him know. There is no sense sending a letter making inquiry when we have the answer.

Commissioner Martin disagreed and said there was value in sending the letter based upon his request and his movement that he would stand and go ahead and support Railbanking and also the money for this project if that transfer had taken place and that the control sent down to a local elected body instead of an entity that is not.....

Ray said in a discussion with McInnis's office, Scott understood the technical problems in that the AVLT holds an easement deed right now and they have to be willing to relinquish it or wait the time frame at the end of the year. Therefore, Scott McInnis is aware that there is a discussion going on about this. This is not something that can be done unilaterally.

Ray said GoCo is on the same line as RFRHA and AVLT is where we are at in the discussion at this point. Also the RFRHA Board approving and it's various members approving the format of the new organization which would be the elected officials as the Board members of it.

Don asked if the Board wanted him to make further inquiry?

Commissioner Martin - yes, he wants Don to write McInnis. He added that this transfer was to occur before he should support the 40 plus million dollars and this hasn't been accomplished so he needs to be aware that it isn't accomplished.

Chairman Smith said her feeling would be wait until they have their meeting, the letter to McInnis should be held up.

Commissioner Martin agreed.

### ***Railbanking Issue***

The second correspondence required some RFRHA Board members to clarify where Railbanking and contracting for service on the rail. The draft letter Don presented indicates that the agreement is conditioned upon the immediate transfer of rail service.

#### ***Discussion***

Chairman Smith asked for some clarification on "immediate." To her it means evidence that it is being pursued on a regular basis.

Ray Lloyd introduced Pete Dearness - of the New England Southern Railroad, a short line operator and said that Pete's was the most responsive proposal and he's been working on this. Ray further indicated the track conditions are such that they could have it running in 90 days if the agreements are there to do it. The holdup is not the tracks, rather Pete is here to talk to the various shippers. One of those potential shippers is one who wants to haul solid waste from the different contractors in the in the Valley and Pete has also been talking to Orrison who have completed their legal situation and are now in a position to talk. There are four other potential shippers Pete will be talking to in the morning with Bob Delaney. Pete is looking at the load out facility as a possible place where some of this work could be done. This is all preliminary before any approvals can take place. On solid waste, special types of cars are required and the lead time for that could be 4 - 6 months. So "immediate" concerns him as well.

Commissioner Martin inquired of Bob Noone the time line to complete Railbanking as it is now proposed to the STB?

Bob Noone said that essentially rail counsel Charles Montange indicated that 2 - 4 months was a reasonable period of time to expect final action by the STB on the application.

Commissioner Martin asked if this was a worst case scenario?

Bob stated infinity.

George relayed that Charles Montange stated conceivably it was likely that it could even stretch late in 1999 before a final decision is made.

Commissioner Martin asked with it estimated at 2 - 4 months to late in 1999 as the worst case scenario, do we have the assurance though that the RFRHA to have service in 90 days even though there may be a waiting period of Railbanking of anywhere from 2 months to a year?

Ray stated this was a policy decision for the Board to make but emphasized that they were talking 90 to 180 days, if special cars have to be ordered that no one has control of including Mr.

Dearness.

Commissioner McCown referenced the letter - "C" and "E" in the letter sent to the Board stating that it doesn't say the same thing.

George Roussos stated the letter he rendered to Chairman Smith and the Board outlined the Resolution that was passed by the RFRHA Board and it was felt that rather than to go with a modified PCN once Railbanking is approved, that we would use this interim time frame between now and approval of Railbanking to see what (within a four month time frame) negotiations could be going on and the time frame of getting contractual details worked up. The words used were carefully chosen when saying a "reasonable contract."

Peter Dearness - New England Southern Railroad - Concord, New Hampshire stated the process of Railbanking and a Modified PCN can go simultaneously but it wouldn't be approved until the issue of Railbanking was solved.

George added that RFRHA will issue a clarification in writing. It was RFRHA's intention to accomplish this on a parallel position.

Pitkin County Commissioner Dorthea Farris indicated her concern to see cooperation of all entities to accomplish the task.

Walt Brown indicated that RFRHA needs to change the letter to the Commissioners before the Board signs it.

Commissioner Martin summarized that RFRHA must address whether or not they can meet the needs as expressed by Garfield County.

Walt Brown - contacted Washington and was told they only have 30 days, not 60 days to finalize the agreement.

A decision was made for RFRHA to correspond with each of their Board members and submit the changes to the Board for consideration.

***Minutes***

Commissioner Martin made a motion to approve the minutes of March 16, April 27, April 28, May 12, May 13, and May 19, 1998. Commissioner McCown seconded; carried.

***Recess until Tuesday - 8:00 A.M. July 14.***

Attest:

Chairman of the Board

\_\_\_\_\_

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JULY 14, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The CONTINUED meeting of the Board of County Commissioners began at 9:00 A.M. on Tuesday, July 14, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were Interim County Administrator Dale Hancock and Mark Bean; Assistant County Administrator Allen Sartin; and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Marian Smith called the meeting to order at 8:00 A.M.

**JAIL DISCUSSION - Direction**

Don DeFord and Dale Hancock were present.

The Commissioners held a discussion regarding the input from the Jail Advisory Board. Don mentioned having a Real Estate Company become involved in assisting the Board in looking for appropriate site locations for the jail. Don also stated that he and former Commissioner Arnold Mackley went before the Downtown Business Association in 1992 mentioning the jail site location.

Chairman Smith was not in favor of spending money looking at the Salt Plant site in West Glenwood but she was in favor of looking at the existing documentation on studies.

Dale asked if the Board wanted to consider the property the County owned at Cattle Creek at the old gravel pit.

Commissioner McCown wasn't interested in looking at geological testing on those sites. Taking into consideration the distance from the existing services in Rifle, the Colorado School of Mines had ruled out the Airport site.

Chairman Smith favored more investigation on the infrastructure at the Airport with Don and Dale with the City of Rifle.

Commissioner McCown suggested Dale may want to bring Mr. Howard back into the negotiations on the property at the Airport.

Direction was given to Dale and Don to discuss the infrastructure development and improvement fees with the City of Rifle; to bring Mr. Howard back into negotiation discussions; and Commissioner Martin will pursue the City of Glenwood Springs on the Salt Plant.

Dale reported the rig from Walsh Environmental was to be doing the testing for the Hollenbaugh Property this week.

Chairman Smith commented that in the meetings with Rifle, they mentioned the EQR's loading on their Southern Plant. This was one reason why selecting the site on the North side of the River.

Community Corrections had looked at sites in Silt and the Industrial Center in Rifle.

The Dotsero area was suggested to be looked at again for Community Corrections. Dale reported the Eagle County Commissioners were not interested in discussing this with Community Corrections.

Transportation was an issue for Community Corrections if they were located in Rifle. The Board wanted to make sure that entity understand it would be their responsibility to provide transportation and not the County.

**RFRHA**

Don DeFord held discussions with the Board in regard to the draft letter to RFRHA regarding the Surface Transportation Board, Railbanking, and mandates from the RFRHA.

Don explained that the comment period is very close to closing.

Commissioner Martin suggested that the comments needed to be sent today.

*Motion*

Commissioner McCown made a motion and seconded by Commissioner Martin to authorize the Chair to sign a letter to the Surface Transportation Board Section of Energy and Environment in the form of the draft submitted to the Board today with the deletion of the last two sentences; carried.

*Petition*

Discussion was held regarding RFRHA asking the County Commissioner to support the petition. Don said before anything is filed with (Surface Transportation Board) STB regarding the petition, we either need to be clear on it - either object to it or not. Garfield County has the most miles on the rail corridor.

Walt Brown faxed input for the Board to consider on the Petition.

*Executive Session - Potential Litigation Issues*

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss the potential of litigation; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Stipulation of Agreement on the South Canyon Road regarding Garfield County District Court Case 98-CB-29 with Michael and Katherine Thomas, Holly Peters and Georgia Chamberlain, State Department of Colorado Natural Resources Wildlife Commission Division of Wildlife; carried.

*Discussion - Two Commissioners Rule*

The rule of having two Commissioners consulted and in agreement before direction was given to staff or public information released was discussed. Don suggested that in an emergency situation, preliminary direction could be given, but it would need to be ratified later by a majority of the Board. It was also suggested to hold off on a firm policy of chain of command until the new County Administrator Ed Green was on board.

Don said that given the way the Board has restructured the administration at the beginning of the year, it seems you ought to give your County Administrator some lead way to react to emergencies and then bring them back to the Board. The decision was to discuss this policy with him once he's on board to see how he wants to handle it, but for the time being you might want to authorize if only one Commissioner is available within the jurisdiction in an emergency situation where health, safety and welfare are immediately at stake, that Commissioner could direct staff. Situations that might require one Commissioner, in an emergency situation, included: mud slides; fires, floods, etc.

Another issue was discussed - putting staff in a precarious position.

Chairman Smith - Staff doesn't know whether they should or they shouldn't and we need to get this clearly out on the table.

Don said there will be very few staff members that will say no to you anyhow.

Commissioner Martin added then they need to learn to say that.

Commissioner McCown said this is clearly a position they shouldn't be put in.

Chairman Smith agreed and said that's the way she feels about it. They really do have a problem of whether we listen or don't.

Commissioner McCown agreed with Don that once we do this, there will be a clearer line.

Don said that Chairman Smith was familiar with this and the Cities he has worked in, I tell you it was real clear that City Council people talk to the City Manager and the City Attorney and that was it.

Chairman Smith added that's because City Government is different. Those are very definitely the two mandates you have - period. That's the chain of command. County isn't as explicit on how you do these things.

Mildred Alsdorf said the first year, when we adopt dates and things in the Resolutions about meetings and who has to be present, we need to put that in there as well.

Don agreed that this was a good idea.

Mildred asked if they wanted to draft a Resolution now.

Chairman Smith stated no, she thinks they will wait and talk to Ed Green.

Don asked then if the Board wanted to take any action on it.

Chairman Smith said it could just be a matter of policy until such time as he's here.

Don said there was a policy right now disseminated to department heads.

Commissioner McCown made a motion that's all we do at this time and further restructuring when Mr. Green gets on board.

Commissioner Martin and I'll have to have a committee meeting to get a second. At least two people to make a second on that, so I'll say second.

Chairman Smith called for the vote.

Carried.

**PUBLIC HEARING: SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING LOCATED APPROXIMATELY ONE MILE EAST OF CARBONDALE OFF OF COUNTY ROAD 100. APPLICANT: LESTER CRAIN**

Victoria Giannola, Don DeFord, Mr. and Mrs. Lester Crain were present.

There was a mis-understanding by the applicants and they did not notify adjacent property owners.

A new date was set for August 10 at 3:00 P.M.

***Executive Session - Potential Litigation Issues - Continued Discussion***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to continue to discuss the potential of litigation; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out an Executive Session; carried.

**PUBLIC HEARING: SPECIAL USE PERMIT FOR NATURAL RESOURCE EXTRACTION AND PROCESSING LOCATED ONE MILE EST OF RIFLE, OFF OF STATE HIGHWAY 6 & 24. APPLICANT: CUSTOM CRUSHING, INC.**

Mark Bean, Don DeFord and Bill Bailey were present.

Don DeFord determined that adequate and timely notification and publication were in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Exhibit D - Project Information and Staff Comments.

Chairman Smith admitted Exhibits A - D into the record.

Mark stated that this was a Special Use Permit for an Accessory Dwelling Unit by Custom Crushing, Inc. on a 119.8 acre parcel of land located just south of U. S. Hwy.. 6 & 24, just east of Rifle.

The site, known as the "MMM/Chambers Gravel Pit", which is located in the Colorado River flood plain on the southeast side of Rifle. The proposed pit is in an area previously mined under prior owners and will modify the mined areas.

The applicants are requesting the issuance of a special use permit to allow for expansion of the existing gravel mining operation for the extraction of up to 100,000 cubic yards of material for use in construction projects.

***Recommendation:***

APPROVAL, subject to the following conditions of approval:

That all proposals of the applicant, made in the application and at the public hearing, shall be considered conditions of approval, unless specified otherwise by the Board of County Commissioners.

That a copy of the Colorado Department of Health APEN permit shall be submitted for each asphalt or concrete batch plant operating on the site, prior to operation at the site.

Prior to issuance of the Special Use Permit, a copy of the approved Division of Minerals and Geology, amended Construction Materials Regular 112 Operation Reclamation Permit be submitted to the County Planning Department.

That if the operation is determined to be interfering with the City of Rifle raw water intake, all activities causing the interference will be discontinued immediately and corrective action taken by the applicant to remedy the problem will occur immediately.

All recommendations of the Colorado Division of Wildlife contained in an April 30, 1998 letter will be adhered to by the applicant, during the life of the pit and final reclamation.

Discussion was held regarding the amount of material extracted.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve a Special Use Permit for extraction of Natural Resources (sand and gravel mining) for Custom Crushing, Inc. as contained in the Project Information and Staff Comments, Major Issues, Suggested Findings and Recommendations; carried.

***Executive Session - Personnel***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss a personnel matter; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out an Executive Session; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to adjourn; carried.

***Adjourn***

Attest:

Chairman of the Board

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AUGUST 3, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 3, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were Interim County Administrator Dale Hancock and Mark Bean; Assistant County Administrator Allen Sartin; and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Marian Smith called the meeting to order at 8:00 A.M.

**COUNTY ADMINISTRATOR**

Dale did not have a report.

***Budget Discussion***

Allen sent the Board a package on some issues in the budget and asked if they would review the contents and get back to him. The preliminary balancing will be done at the end of August.

The District Attorney and the Airport Manager were discussed in the new budget process. Other Counties would need to get together to discuss the District Attorney's budget as it encompasses Garfield, Pitkin and Eagle. Allen stated he wanted to put in some administrative expenses for them this year in order that all three Counties would participate in the expenses.

The Board concurred.

***Fairgrounds - Fair Days***

A request was made to waive fees for the landfill during for the Fair. The Board did not have a problem.

***Fairgrounds Facility - Update***

Bob Szrot, County Engineer

***Rifle Riding Facility***

A discussion was held as to the conceptual purpose for this facility. A determination was that it would be a riding facility, sale barn, and/or for concerts - a multipurpose area.

A month ago Bob said they held a brainstorming session where they invited contractors to give them some ideas and talk about rough prices, without a commitment. Some of the issues that did come up were: Infrastructure including a proper water line for this facility; electrical service and it was scaled to the number of people and the building code.

Commissioner McCown reiterated that the current buildings need to be utilized and there was still the need for removal of the existing structure.

Dale indicated that Job Corp. would be here this week and the possibility of setting up a staging facility for them while on the job was being pursued.

Chairman Smith suggested that Bob take a look at the Walden Facility. They spent \$300,000 and constructed an indoor arena, concessions, etc. The current need is to have a covered arena and additional construction and improvements could be made at a later time. The time frame projected was after the Fair this year with construction of the new facility and the moving of the buildings being done by the Fair next year.

The direction given to Bob was: look at the Walden Facility; build what structure is possible with the funds available in the conservation Trust funds; (currently \$300,000 and projected to be approximately \$100,000 yearly); and to have a long-term goal for a multipurpose facility.

***Building and Planning***

Mark Bean said that with the revisions to the remodeling at the Courthouse contract cost would be reduced by \$4964.00.

Mark requested the Chair be authorized to sign the amended contract.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the amended contract for the construction; carried.

#### **PAYMENT OF BILLS - PAYROLL**

Mark Bean presented the bills for the Board's review and approval.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to pay the bills and payroll; carried.

#### ***Airport - Separate Audit***

Allen stated that the Airport needs a separate audit and explained the purpose is to produce a separate document. The same is true of the District Attorney and the Housing Authority. The same auditor can be used, but a separate report.

Chairman Smith mentioned that the Airport was funded by the County and there was a lot of discussion back in 1986 in respect to how this should be set up.

Allen mentioned this was similar to the Human Services Grants. How much the County wants to subsidize the Airport is a discussion that will occur yearly.

#### **JAIL DISCUSSION**

Sheriff Dalessandri, Dale Hancock, Allen Sartin, Al Maggard and Doyle McGinley were present. The Sheriff mentioned that he had met with the local Police Chiefs and they had discussed the problems encountered over the M-1 (mental holds).

Chairman Smith said that Ken Stein of Colorado West had been contacted to proceed on a treatment center and secured area but thus far nothing was final. St. Mary's was another possibility.

#### ***Jail Count***

Total in Jail: 111. 32 main jail; 30 Work Release; 7 females; 1 Home Detention; no Day Reporting; 8 Workenders; no State Hospital; no Valley View; 2 DOC and 23 in other jails that included: Clear Creek, Mesa, Rio Blanco and Summit. Clear Creek has the DOC inmates.

Tom said the average for July was 110.

#### ***Meeting with Chief's of Police on Alcohol Related and M-1's***

Sheriff Dalessandri, District Attorney Mac Myers, Dale Hancock and Al Maggard were present for this discussion.

Tom said that he has had numerous discussions with Colorado West. An Intermediary Center has been discussed but nothing is in place.

Tom reiterated the concern is transporting this classification when staffing is not available and it is not unique to Garfield County.

Tom stated he has had numerous conversations with Ken Stein of Colorado West and Ken was to talk to the State regarding a waiver. St. Mary's and Mesa County having contract services was also mentioned.

Tom said with an alcohol level of .2 or above, it is risky and requires a professional to monitor them. They instituted the policy of .2 or above. During the Carbondale Fair there were two offenders like this and Colorado West was called and stayed with the arrestee until 11 P.M. Tom made it clear to the Police Chiefs that the Sheriff's Department can not house them. It also has been made clear that a Transport Officer will not be called out unless the officer has had enough rest from the last transport.

A work session with the Board was suggested and Tom favored having the municipalities involved in the sharing of costs. This is not a County problem alone. Most of the M-1's are

picked up inside the limits of the City of Glenwood Springs, Town of Carbondale, and City of Rifle.

Tom suggested that a work session with the Commissioners would greatly help along with some brainstorm sessions on the problem. Tom stated that each municipality has a responsibility and should help pay for it. The Police Chiefs feel that the Commissioners as County should pick up the tab. Tom added that a lack of preparation has been made to deal with this issue; the costs to provide for an intermediary facility will be significant; and policies can be set but during the night he has staff at the jail arguing with the municipalities.

Chairman Smith mentioned regarding a secured detox that Colorado West is attempting to have a locked facility and should be a part of the discussion; she mentioned the fact of being consistent is the key factor.

Tom added who watches them and where to put them are issues that need to be addressed. A facility is a significant part of the discussion.

Mac stated they were running out of short-term solution and the other piece is that there is a consensus among Chiefs to urge the Commissioners to make a decision on the jail.

Commissioner McCown said that 99% of the alcohol related offenders are within the City. It is not the County's problem and the Police Chiefs are aware of that.

Mac summarized that there are three issues: 1) where 2) who and 3) how is the cost provided.

Chairman Smith mentioned to Tom to be sure to have Ken and Michael from Colorado West at the meetings. She added that to secure M-1's requires a license and that will require a waiver requiring cooperation from the State.

A time was set for August 12 at 9:00 A.M.

### ***URS Greiner***

Dale reported that URS will do an assessment on Hollenbaugh after the report is received from Walsh Environmental which should be someday this week.

Dale reminded the Board that the original agreement with URS was for three sites and asked for direction from the Board on the Salt Plant.

Don said that he, Dale, Lee Leavenworth, and a representative from the City of Rifle would set discussions next week on the sites at the Airport and Hollenbaugh in Rifle.

Commissioner Martin said he wants the Board to move forward on a decision process.

Dale stated URS Greiner will have the UPL report completed on the 15th and the Walsh Environmental Report is the missing piece on Hollenbaugh.

Dale will call Howard and the City of Glenwood Springs regarding information on those two optional sites and bring it back to the Board for a decision on a site development.

### ***Engineering Proposals on Hollenbaugh***

Dale reported that the Walsh Environmental is holding up the engineering firms in submitting a firm bid but it is estimated at between \$5,000 and \$6,000 depending upon the rig.

### ***Community Corrections***

Al Maggard said that he sent the information to Mick Ireland regarding a board member for the Community Corrections Advisory Board.

### ***Quarterly Meeting***

Al announced that this would be held this week.

### ***Congratulations Letter - Athletics Boyle and Julich***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to send a letter of congratulations outlining their achievements to Glenwood Springs resident Bobby Julich on his placement in the top three of the Tour de France cycling event and for Carbondale's Dana Boyle's first place finish in the Junior Olympic Nationals in Seattle; carried.

## **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

### *Mel Rey Road*

Doyle McGinley - 0194 Mel Rey Road - Garfield County - said Mel Rey Road is a much traveled road and he is concerned about the condition. The City came and laid new water lines and necessities taking about 6" of the road. Road Base was put in, however the dust is a problem. Doyle called Larry Thompson at the City of Glenwood Springs and was told they would get with the County regarding engineering mitigation. The drainage problem is the issue.

Doyle would like to get the dust problem contained. The City has put mag chloride on the dirt part but if it doesn't get paved there will be a worse problem. Doyle wanted to be on record to hate to see it keep going as it is.

County Engineer Bob Szrot reported that the County was planning to have this paved in September at the latest. They needed to wait until the utilities were completed by the City of Glenwood Springs. Construction drawings are in the process and projected by mid-August or early September it should be paved.

### *Noxious Weed Problem on the Railroad Corridor - New Castle and Silt*

Larry Gerbaz issued a complaint regarding the weed problem along the railroad corridor in New Castle. Larry mentioned that as a UPS driver, he sees the problem everyday and the noxious weeds are getting out of hand. He talked to RFRHA regarding the problem on County Road 100 and the right-of-way. Two months later he hasn't seen any progress. He has also spoken to Representative Jack Taylor, left a message for Gary Janicek, County Weed Management and Road and Bridge Supervisor, King Lloyd. He is upset about the weeds going to seed. He asked that the Board take action.

The Board explained there was a grant from Union Pacific and the contract was approved to have this sprayed but they were unaware of the problem causing the delay.

Chairman Smith said she had it on her list to check to see what was the delay. She said she would have Gary call Larry and see what they can do to speed up the process.

Larry clarified that he was not really complaining about the County, it was the other entities that are lax in doing their part.

Commissioner Martin also stated that he had notified RFRHA they were in violation on their right-of-way of County Ordinance and State Law and nothing has been done.

Chairman Smith clarified with Don that since it is State Weed Law, it is the County that sends the letter informing them through our Weed and Pest Management that they are in violation?

Don confirmed that was correct.

Commissioner McCown asked Don if under the State Weed Law, can the County go in, spray and bill?

Don said yes, but he wanted to check the law since the last Legislature met. He suggested to have Gary draft the letter.

### *Weeds Originating from the Gravel Pits*

Commissioner McCown mentioned he had a major complaint up Dry Hollow and Divide Creek and these land owners are under the impression that part of the problem is coming from the gravel being spread on the roads. They think that these seeds are originating from the gravel pits.

A decision was that the County needs to take immediate action.

### *Heavy Truck Traffic - Loop from Mel Rey onto Donegan to Soccer Road*

Marie Haskell - County Road 130 - Donegan Road made the Board aware that the heavy transport truck from Holsum, Post Office, and others were coming around from the restaurant and making the loop back onto Soccer Road using Donegan Road.

The Board informed Marie that the issue would be discussed at 1:00 P.M. with Road and Bridge.

## **EMPLOYEE OF THE MONTH**

Patric Patterson from Road and Bridge was awarded the Employee of the Month.

### ***Energy Impact Grant***

Dale stated that this is the last date for the applications.

Chairman Smith mentioned that the Board needs to prioritize these applications.

### **DEPARTMENT HEADS**

Mark Bean presented the following:

#### ***Plat - Re-Subdivision of Lot D-5 Aspen Glen Filing No. 1***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Board to sign the plat for Aspen Glen Filing No. 1; carried.

#### ***Sopris Mesa Subdivision - Final Plat - Eagle County***

Mark Bean stated he had a request from Eagle County to authorize the Chair to sign a request from Eagle County regarding the Sopris Mesa Subdivision to enter into an Inter-Governmental Agreement (IGA) between the two counties. Mark added that the building envelopes will be entirely within Eagle County.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the IGA with Eagle County; carried.

### ***UNITEL - Phone Service***

Dale mentioned we may can save up to \$4,000 a year on our telephone service. The question is whether the change will obsolete some of the equipment we just put in. He explained this is a marketing system for US West.

Dale will review this with the professional phone people and get back to the Board.

### ***Evaluation - Dale Hancock***

A time was set to accomplish the evaluation for Dale for Monday after 4:30 P.M.- August 10.

### **COUNTY ATTORNEY**

#### ***County Road 109 - Mud Slide***

County Attorney Don DeFord and County Engineer Bob Szrot gave a report on the outcome of the investigation of the mud slide that occurred on County Road 109.

Don stated a couple of weeks ago when we had the landslide on County Road 109, he had brought to the Board's attention the potential causes of that landslide. Since that date, Bob Szrot has had a chance to look at that issue and has reached some professional opinions which was relayed to Don and he thinks there are various reasons why that occurred. The landowner for the Crystal Springs Ranch is concerned that the record be cleared up on this issue because they are showing what initially came to Don's office was, and I think that it was inaccurately reported, that there was potentially irrigation practices that led to this slide. Bob's conclusion at this point is that this is unlikely. Don asked Bob to make a statement to the Board and on the record.

Bob Szrot presented a drawing on the board that illustrated. He said he went out there and looking at a top view he saw the slide area generally looked like this (illustrated in a drawing). Another thing that was interesting was about 150 feet away from the slide area is a natural draw and drainage. So King and Bob were up there and looked at this. Bob illustrated in a drawing the side view. What he noted is in several areas 15 - 20 feet down from the existing surface was a view of cobbles and represented to him is an underground water way of some sort. Looking at the soil on the edges of the slide area this appeared to be a denser soil. So what he believed happened is you basically had the denser soil acting like a dam and the area behind it filled up through this underground conduit and eventually got to the point where it blew out the more denser soil. Looking at the plateau in generally, this was the edge, the plateau has a little bit of a

bowl shape just naturally. Bob has seen this in other areas and they usually call it a ground water recharge area. But looking at their irrigation systems and their ditches, and then in conjunction with this natural drainage draw 150 feet from the blowout area, and in conjunction with the two areas, the two veins of cobble that were still seeping, he concluded that this was pretty much a naturally occurring event and he does not feel it was significantly affected by irrigation up there. So Bob said he relayed this to Don and that's it. Any questions? As a matter of fact, a little bit further to the north on County Road 109 and along this same hill, there are two other spots they noticed that occurred sometime in historical past and not probably that far into the historical past. Commissioner Martin asked if Bob had taken aerial shots of this as well for record? I thought you were oing to get that for survey purposes.

Bob said yes they partnered up with the Geological Society to get some aerial shots and then King and Bob took some pictures with his camera, so we have some for file when needed.

Commissioner Martin asked if they were close and long-range?

Bob - yes, and he especially concentrated on taking some pictures of this cobble area because it is really distinctive.

Commissioner Martin suggested Bob might find some more along that County Road 109 as well. Don DeFord stated that Colleen Truden is the representative for the landowner. She may be over a little bit later, but Don needed to get this in front of the Board as soon as he could. Thanks to Bob I think the record is clear on that situation.

Colleen Truden stated that she is the representative for the landowner. Thanks to Bob, the record is clear on this issue.

#### ***Ed and Sally Walker - County Road 250***

##### *Tract 50 - Antlers Orchards - Boundary Line Adjustment*

Mark presented the request to change a boundary line.

Don stated the Walkers need to procedurally give us the written description of the property and come to the Board on an agenda item. This would involve the landowners taking the responsibility to publish and notify the adjacent landowners. It also will involve the County Surveyor providing the County the legal.

Mark will notify the Walkers.

#### ***Cooperton Area - Erasing the Lines on 25' Lots - Larry and Claudine Jones***

Mark stated he had a request from the Jones to erase the lines on Lots 5, 6, 7 & 8 to create a buildable lot.

The Board did not object.

Mark will advise them to get a plan together.

#### ***Michael and Julie Kennedy - Harris Subdivision Exemption***

Mark read into the record the letter to the Planning Department from Michael and Julie Kennedy involving moving lines around for a boundary line adjustment. It is within the zoning requirements, but because it is an exempted plat they will have to do an amended plat in order to do this.

The Board did not have a problem. Sam Phelps needs to verify this is correct as well.

Mark will notify them to proceed.

#### **Assistant County Administrator**

Allen Sartin stated he held the budget kickoff meeting and there was a good attendance.

Mildred added there were a lot of questions asked during the meeting.

#### **FINAL PLAT: THE PEAKS AT ASPEN GLEN**

The final plat was not ready.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to set this for August 17 at 10:10 A.M.; carried.

### ***Litigation - Sunlight View Subdivision***

A decision was rendered upholding the denial for the subdivision in that area.

Don asked the Board to name Josh Marks as the attorney, if there is an appeal made.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to name Josh Marks as the attorney in case of appeal; carried.

Don stated the County is entitled to fees.

### **BID AWARDS: LOCAL IMPROVEMENT DISTRICT #1997-1**

Mike McBreen and Allen Sartin were present.

Allen mentioned that Road and Bridge should be determined to be the overseer for this project; however, King recommended the County Engineer be the one.

Allen stated funds should be set up this week.

Mike submitted the two (2) bids:

Grand River Construction      \$139,115.50

Basalt Construction              152,655.00

Mike recommended the Board accept the bid from Grand River for \$139,115.50.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to award the bid to Grand River Construction for \$139,115.50; carried.

Don stated the Board should designate the appropriate County staff to overlook this project.

King recommended that Bob Szrot be the one in charge; Bob volunteered to be the Project Manager for the project.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to appoint Bob Szrot to be the Contract Administration for this project; carried.

Allen said the County Treasurer volunteered to manage the debt service.

### ***Paycheck Distribution***

Commissioner McCown relayed a message he had received from the Road and Bridge Department regarding late check distribution.

Allen verified the procedure was to issue the ones in Rifle the evening before checks were released in order for them to have them on the same day as all others. Unless a department head requests the checks in advance, this is the policy that is followed.

Allen checked with King Lloyd and determined that all was the same on his part. He completed the paperwork and processed the checks in the usual manner.

### **REQUEST FOR EXEMPTION FROM FINAL PLAT REVOCATION: PROPERTY LOCATED AT SIERRA PINION SUBDIVISION: DALE & CHERYL JOHNSON**

Jim Leuthueser was present. The Johnson did not come to the meeting.

Assistant County Attorney Jim Leuthueser stated the request is based on the race to the Courthouse in terms of recording the deeds. Several days prior to the action, the warranty deed was recorded after the Board took action. There is a potential cloud on the title. Jim did notify the Johnsons they could request an exemption from the final plat revocation.

Jim stated that Mary Lynn set this up and the applicants gave the indication they would be present.

Discussion.

A cloud on the title would prohibit the Johnson's from securing a building permit.

Jim stated when he talks to them, he will advise them that a time was set.

Chairman Smith commented that this is the second or third time to request the Johnson's to come in and speak to the Board regarding this matter.

### ***Library***

Allen presented to the Board that any additional funds beyond what was authorized would have to go in as a request in this budget process and if it was a capital request it would need to have the

full documentation shown in the guide for capital requests. The discussions they have had have been with the mechanical process for preparing the budget.

Chairman Smith mentioned there have been a lot of deferred maintenance problems and when they get large enough, they are called to the Board's attention.

#### **BID AWARD: FINANCE PACKAGE PROPOSAL - KING LLOYD**

Bob Szrot, Allen Sartin and King Lloyd presented the proposal for lease option on Road and Bridge equipment.

King said he would agree with Allen's recommendation with proposals that were submitted to the County as consideration for equipment financing packages.

Allen said the specific recommendation made to King was that the award be made to George K. Baum as a primary and to Mesa as a secondary with final determination to be based upon the speed and ease of finalizing the deal including all the paperwork for the project.

Discussion was held.

Commissioner McCown made a motion, based on Allen's recommendation and the amount of the annual payment, that he would recommend, based on financial, George K. Baum; and as a second recommending Mesa Financial; he would have to request that their number reflect \$1,994,000 as opposed to the \$2,000,000 for the actual contract. Commissioner McCown clarified that this is for a total of 5 years. Commissioner Martin seconded; carried.

#### **ROAD AND BRIDGE**

King Lloyd presented his standard report.

#### **DISCUSSION: BEAVER CREEK ROAD - KN ENERGY**

King Lloyd, Bob Szrot, John Obourn 9680 East Power Englewood, Colorado representing Wildhorse Energy; Jay Fowler - P.O. Box 1928 - Rifle with KN Energy; Roger Neil- 923 Cooper - Glenwood with High Country Engineering; and Bernie Whitman - 365 Will Avenue - Rifle of KN Energy were present.

King stated that KN Energy wanted to come in and discuss the road improvements on Beaver Creek Road.

John Obourn started the discussion saying on this particular project they started out with 3 miles of road that was under discussion and the pipeline at that time was going to affect two miles of that road; however, as it turned out, the pipeline only affected one mile of that road which is the southern most end which was in the worst shape. To date, the first mile of upgrade between CR 317 and CR 320 was completed in January; the area south of Chris Locker's entrance has been completed, this is approximately one mile. What is left is an area that was undisturbed by Wildhorse that is approximately 6,000 feet and it is the remaining portion that needs to be addressed by Wildhorse. Bernie Whitman put together a summary and the procedures that were followed.

Bernie Whitman stated he and King have been in discussion regarding the middle section of the road. There are several problems that have surfaced: 1) the road narrows and does not afford itself for visible turnouts. They looked at this recommendation from HP Geo-tech which stated they need to place 16" of pit run and on top of that 6" of Class 6. They started asking questions about that recommendation and as professionals sought a second opinion with CTL Thompson. They just received a report from John Mechling of CTL Thompson. The findings differed from HP Geotech. Bernie summarized and added that John Mechling was unable to be at this meeting today, but he would address any questions the Board may have and be very specific.

Summarizing, Bernie said what John told him was that in the beam, anything over 3" should be thrown out because of the nature of the task. Bernie said their biggest concern was with the phone line already running in that section of the road, you can see these big rocks sticking up and those that are in the road. Bernie's feeling was shouldn't that be given some kind of credit for existing structure and pursued this with HP and with Thompson and Thompson was in agreement

that there is a lot of good rock in that road and it does have a lot of structural integrity. Unfortunately, the number that will tell us that is two weeks out. In the meantime they submitted the new evaluation and what it says is not even considering the beam for the existing naturally occurring gravel and what the County has added over the years, their recommendation without the new beam is for 8" of pit run with 6" of class 6 road base.

John Obourn said of the number of wells to be drilled, that these numbers are fluctuating. When they did the initial road study the oil and gas industry had projected 12 wells but they did 2.

When looking at the original numbers with the oil and gas you would see big overlay numbers. Barrett Energy's drilling has not been submitted for review and this is 30 days out. The Environment Assessment is not ready but they did drill 2 wells this year and plan on 2 wells next year. The amount of traffic is less than they originally projected. John also indicated that Intermountain Forestry who will be using that same road, does not have a date to start their operation.

Commissioner McCown mentioned the County does not want to be short-sighted; there may be 20 wells instead of 2. He added that he tried to get a 5 year plan out of oil and gas.

Bernie clarified that the new projections relayed here today regarding the lesser amount of oil wells had not been given to HP and therefore their recommendation may have been for a lesser amount of pit run and road base as well.

John Obourn - agreed that the projections have changed over the last year.

King said the criteria that he wanted to see met when the permit was originally issued was for an all season road with a 20 year design life. Relative to the 8 wells that have been drilled, these didn't take place during the worst time of the year. The other thing that concerns him is that it might have withstood the 8 wells, but over a 20 years period, the amount of distress makes the road deteriorate. There may be natural rock, but neither HP nor CTL are saying it is up to par on a 20 year life.

Bernie indicated they were here to do what the professionals tell them. John Mechling indicated that if the materials are as good as he believes, omit the pitrun and add the 6" of asphalt.

King added there is another piece of information the Board has not received, the primary reason for this meeting coming about was that initially in HP Geotechnical report there was mentioned that there was some naturally occurring rock within the roadway and as the job progressed they would make the necessary observations to determine if that naturally occurring rock was adequate to offset the recommendation of this 16" pit run and the 6" of class 6 road base. So, in the portion or road that lines between the Lucky 13 and the Dorrell Ranch specifically talked about in HP's report, there was no consideration given to the road narrowing up. As the job has progressed down to this point then, KN Energy has had HP out there and they have done test holes, they asked them for their recommendation and HP has said that they didn't feel that there was adequate rock for them to reduce the 16" and 6" process. Unless they sub x the road in order for that material to go in, they will narrow the road up. There was specific direction in their permit that they not narrow that section of road and that they keep the adequate width.

Smith asked when the logging will begin.

Bob Szrot added that he also wants to see the calculations involved. There are two schools of mathematical of thought: one is ATD driven formulas and the other is easel driven formulas. If you emphasis the ATD you are looking at a number of vehicles traveled and weight secondarily; or when looking at easel driven formula, you look at the amount of force put onto the road structure.

This was continued until August 17 - 1:00 P.M.

The Board requested the information before the meeting. Bob and King should receive it and give the Board a recommendation.

#### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Marie Haskell of 181 Donegan Road, County Road 130 was present.

### ***Mel Rey Road***

Commissioner McCown mentioned the problem of the trucks going up Mel Rey, onto Donegan and back down on Soccer Road as not being the intent when they signed the road.

Discussion was held.

King stated the signing was the result of a joint meeting between the City and County. It was not intended as a truck route however.

The Board explained the purpose which was to eliminate the trucks backing and turning around at the intersection of Mel Rey and Donegan.

Chairman Smith indicated part of the heavy traffic is from the post office trucks as well.

King said the outlet sign was placed at the Donegan and Mel Rey intersection.

Commissioner McCown mentioned that someone did put a sign at the truck stop that indicated this was the truck route and suggested restricting that to specific loads.

King was instructed to remove that homemade sign specifying there was an alternate truck route.

Chairman Smith suggested that King stop in at the truck stop and explain.

King said he had a citizen complaint about the Ford deliveries and he called the Ford place and asked them not to do this.

Chairman Smith stated they will try to find some solutions to this problem.

Commissioner Martin suggested that King work with City Engineer and the Police Department; and to contact Robin Milyard for something mutually acceptable.

### ***Rulison Area - Actual Road Determination***

King stated a few months ago Bud Strong came by and was interested in gaining some information on the County Road down in the Rulison Area. Bud was considering purchasing some property and wanted to know exactly where the road legally laid relative to where it is physically. Together with Bud's help in gathering information and Sam Phelps, there was a determination made that there is a legal right-of-way there that accesses the cemetery on the Mesa above Rulison. Sam did a physical survey and as a result of that there are some easement problems but none that Sam felt would eliminate the County's legal access.

Therefore, Bud explained the owners are willing to work with him. There's been a road since 1950 and there are two property owners. However, he needed the help of the County to give Sam and King the approval to clean up this mess. He said you can access the property with a 4-wheel drive but nothing else.

King said before Memorial Day they touch it up. King added that the problem is that two easements were granted and were supposed to be contiguous. Sam's drawing show some gaps in the easement. Neither landowner objected to assisting in the cleanup on this land. The permission needed would involve Don DeFord and Sam Phelps to process the correct legal descriptions and make sure the roadway is in the proper location. It was intended to be a 50' easement. In some places there is more and in some places there is less.

The original deeds were submitted to the Board for review.

Direction

A motion was made by Commissioner McCown and seconded by Commissioner Martin that the Board would ask Sam Phelps to work with King and Don DeFord on legal descriptions and actual placement of the easement on this road; carried.

### ***Barton Porter - Sierra Pinion Subdivision***

Barton Porter appeared before the Board once again on the cloudy title issue with the Johnsons purchase of property from him in this former subdivision.

The Board advised Barton they he should deal with Jim Leutheuser and not them as the matter was in litigation.

Barton stated he was really fed up and was going over to Land Title. He added that the County does not have any reason to cloud the Johnson's title. If you want a fight, then you'll get it. He

also indicated that he called the Secretary and she said he could come in at this time and talk to the Board.

**PUBLIC HEARING: PRELIMINARY PLAN - ENGLUND/MOORE SUBDIVISION LOCATED APPROXIMATELY ONE MILE EAST OF INTERSECTION OFF OF COUNTY ROAD 100 AND STATE HIGHWAY 82. APPLICANT: CHARLES ENGLUND, LUTHER & DIANA MOORE**

Don DeFord, Mark Bean, Ron Liston of 918 Cooper with Land Design Partnership and Luther Moore were present.

Don DeFord determined that adequate publication and notification were in order and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark Bean submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Project Information and Staff Comments; Exhibit E - letters from the Colorado Geological Survey dated 5/26/98 and 6/2/98; Exhibit F - letters from the Division of Wildlife dated 12/3/97 and 5/14/98; Exhibit G - letter from the RE-1 School District dated 5/27/98; Exhibit H - letter from the Office of the State Engineer Division of Water Resources dated 5/29/98; Exhibit I - map and letter from Land Design Partnership dated 6/17/98; and Exhibit J - page 15 - a map developed by GIS mapper - Rob Hykys.

Chairman Smith admitted Exhibits A - J into the record.

Mark stated that this is a request for the Englund/Moore Subdivision Preliminary Plan on a 13.964 acre tract of land located approximately one mile east of State Hwy.. 82 and County Road 100 intersection in Carbondale.

The subject property is located in the Low Density Residential (10 and greater ac/du) area on the Garfield County Comprehensive Plan of 1995, Study Area I.

The property is a vacant parcel generally located between the Highway 82 Frontage Road and the Roaring Fork River. There are no dwellings on the property. There are four (4) ponds on the property that used to be a part of a private fishing club and a recently filled pond. There are various wetland habitats on the property, related to the ponds and the river. On the southern boundary of the property is the railroad right-of-way.

The applicants proposal is to subdivide a property originally identified a being 22.6 acres and now being 13.964, into two (2) lots. The lots are still proposed to be 6.474 and 7.490 acres in size and will have only single family dwellings on them.

Chairman Smith - asked a question about the sewer recommended by the engineer and if there was enough room to put all of this on the property.

Ron Liston - the sewer and how much capacity depends upon the way the house is designed. A 3-bedroom would be the minimum depending upon how you design your site. This will still meet the setbacks and requirements.

Chairman Smith asked if ponds would be used for fire protection or dry hydrants?

Ron stated the fire district did not recommend dry hydrants. The pond is year-round from Blue Creek.

The soils people did their investigation on the property and the fill would not be adequate. They suggested if the applicant built on the alluvial structure additional soil testing will be required.

Chairman Smith mentioned that she was concerned about back fill pond soils. She wanted to make sure lot buyers pay attention to what is recommended.

Ron - indicated that no basements were planned.

Commissioner Martin mentioned the extensive concerns on the ISDS and the concerns to the neighbors as this was adjacent to the private Waldorf School the Board approved previously.

Ron commented that within one year that the new sewer system is put in then they should connect.

Chairman Smith added that this should be one of the conditions.

Ron proposed to have some time frame to re-coop their costs prior to connecting and proposed 10 years to connect.

Chairman Smith stated that 10 years was too long. She also mentioned the letter from the Core. permit.

Ron mentioned that all the work has been done on the Core. permit.

Lou Moore stated they did wetland mitigation in filling the pond in conjunction with the Core. report.

Chairman Smith read into the record from the Core. requirements, "if in the final analysis you are not able to begin construction of the home or homes on the fill material within three years from the date of the permit, you must remove the fill material from the pond and restore it to the pre-project conditions. You are cautioned that we still wish to see evidence of all the appropriate approvals prior to construction of your home sites. If the design changes or aspects of your project are modified you may also need to bring those to request a modification to our permit." Exhibit K - plot plan was submitted for 2000 sq. foot houses.

Chairman Smith admitted Exhibit K into the record.

### ***Recommendation***

The Planning Commission recommended APPROVAL of the proposed subdivision based upon the fact that the property is adjacent to the Waldorf School and the lots are in a cluster configuration and subject to meeting the following conditions:

All representations of the applicant, either within the application or stated at the public hearings before the Planning commission shall be considered conditions of approval unless otherwise stated by the Planning Commission.

Within one (1) year of central sewer being available to the property, all lots will enter into agreements with the sewage system owners and connect to the sewage treatment facility.

The applicant shall pay applicable School Site Acquisition Fees for the new lots, prior to the approval of the Final Plat.

No accessory dwellings, guest houses or caretaker units will be allowed on either property.

Prior to Final Plat approval, a well test shall be performed demonstrating the following:

- 1) That a four (4) hour pump test be performed on the well to be used;
- 2) A well completion report demonstrating the depth of the well, the characteristics
- 3) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;
- 4) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;
- 5) An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- 6) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

A set of covenants will be submitted to the County prior to the review of the Board of County Commissioners, that demonstrates the proposed method of managing the common elements of the subdivision, particularly the water supply and road maintenance. At a minimum, the following language will be included in the covenants and as plat notes on any final plat:

- A. One (1) dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confirmed within the owners property boundaries. The requirement will be included in the protective covenants for the subdivision with enforcement provisions allowing for the removal of a dog from the area as a final remedy in worst cases.

B. No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.

C. Each subdivision shall have covenants requiring that all exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

D. All residential construction will be consistent with the Colorado State Forest Service (CSFS) recommendations for construction of homes contained in the CSFS publications "Wildfire Protection in the Wildland/Urban Interface" and "Model Regulations for Protecting People and Homes in Subdivisions and Developments.

E. Garfield County has adopted a "Right to Farm" provision in the Garfield County Zoning Resolution in Section 1.08, which states among other things, that "residents and visitors must be prepared to accept the activities, sights, sounds and smells of Garfield County's agricultural operations as a normal and necessary aspect of living in a County with a strong rural character and a healthy ranching sector.

F. Control of noxious weeds is the responsibility of the property owner.

G. Building locations may be subject to geologic and hydrologic hazards. All structures shall require the submittal of an engineering report addressing soils and geology conditions, foundation design and drainage prepared by a registered professional engineer. All individual sewage disposal systems shall be designed by a registered professional engineer. All site development, including building construction, shall be conducted in accordance with engineer's stipulations."

That a copy of any Final Plat be provided in both graphic form and on a properly formatted computer disk for transfer to the County Assessor's records and GIS.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the Public Hearing; carried.

Commissioner McCown made a motion to approval the Preliminary Plan for the Englund/Moore Subdivision with the conditions of approval recommended by Planning and Zoning.

Mark suggested an addendum to 6G. at the end of the first sentence "prepared by a registered professional engineer and in accordance with recommendations contained in the HP Geotechnical, Inc. Job No. 198152 Fletcher study done in the application."

Commissioner McCown left in the one year, saying their primary concern is ISDS systems in that valley and the quicker we can them unhooked the better.

Discussion was held about wells in the area as well. Luther Moore stated he had his well pump tested as well as a bacteria test and it is still all right.

Chairman Smith asked if Commissioner Martin wanted monitoring wells?

Commissioner Martin, no, those wells are working well and if we get that central sewer system as soon as possible, then we will be better off. He also seconded the motion; carried.

### ***Plat and Resolution - Dooley***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with granting an exemption from the Garfield County Subdivision regulations for Michael Dooley; carried.

### **Road and Bridge Continued**

#### ***Road Tours***

King mentioned the Rio Blanco meeting and two other meeting dates: the 19th of August on Buford Road with Rio Blanco and the meeting with Baxter Pass has not been confirmed. Meeker

is independent and King has not heard. Same with Mesa County. King suggested the tour of this district be held on Wednesday, August 5 at 8:00 A.M. and include Bob Szrot in the tour.

#### ***Mesa County - Road Maintenance***

King stated that Mesa County road and bridge was not doing anything in cooperation with Garfield County.

Chairman Smith stated she talked to the Mesa County Commissioners and they do not know about the problem.

#### ***Mud-Slides and Debris Flows - County Road 109***

King mentioned they received assistance from the landowners and were able to move the mud and debris.

#### ***Sweetwater Creek by the Resort***

Work stills needs to be done. Crews are up there this week and started Tuesday, July 29.

#### ***Other Roads with slides and debris***

Red Canyon Road is still passable; South Canyon and Divide Creek also had some mud slides but all the roads are open. There is a lot of back-up work to be done.

#### ***County Road 320***

King said that the work is progressing. Bob Guiles gave additional room for the road. There have been some delays but they have been able to work around them. King relayed the problems that are creating delays.

#### ***Mamm Creek***

Mrs. Couey selected the third alternate; the new roadway was staked off and it slightly affects the fence line. Once the drawings are complete King will meet with her again.

Schmueser Gordon Meyer - Steve Self - project manager reported some sub-grade problems adding \$138,000 to the project. With that increase it still doesn't exceed the worst case scenario as for cost projections on Mamm Creek and this additional is in the budget.

King stated that Bob and Steve have worked together.

King said the Alternate Route while Mamm Creek is closed is Hunter Mesa.

#### ***Mag Chloride Projects***

King said all the mag chloride projects would be completed this month.

The Department of Corrections did pay their portion; King said they found it.

Discussion:

Delays on the Mag Chloride Projects were on the County end.

Commissioner McCown wants to speed up the project.

#### ***Tar Sands Projects***

King stated this was completed.

#### ***Motor Grader Trials***

Tuesday - August 4 from 9 A.M. to noon. Trials will be held at the Garfield County Fairgrounds Competition at the State Fair - August 27, 1998.

Those competing include: John Prehm and Mike Davis out of Glenwood; Vernon Murray and Bob Hammond out of Rifle and Don Louthan out of Silt.

#### ***Fog Sealing - Contract Charge Order - Battlement Mesa***

King stated this would be a reimbursement with Battlement Mesa for Limberpine; Aster Court; Poppy Court; Cedar Court; and Larkspur Place. The amount of the change order was for \$578.90.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the change order for \$578.90; carried.

**PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A STORAGE AREA LOCATED ADJACENT TO THE CITY OF RIFLE OFF OF COUNTY ROAD 346. APPLICANTS: JOSEPH & VELMA WEINREIS, JIM SILLS**

Don DeFord, Mark Bean and Jim Sills were present.

Don DeFord determined that adequate publication and notification were in order and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark Bean submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and attachments; Exhibit D - Project Information and Staff Comments; Exhibit E - Letter from the City of Rifle with attached covenants; Exhibit F - Cindy Tester negotiations of annexations to deal with the issues in the applications.

Chairman Smith admitted Exhibits A - F into the record.

Mark stated this was a request for a Conditional Use Permit to allow for boat, RV and mini-storage units on a 24.53 acre tract of land located adjacent to the City of Rifle, off of County Road 346.

The applicants are proposing to develop a self storage park, that could be used to store RV's boats, snow mobiles and other personal affects. It is proposed to develop the entire site with the storage buildings over a ten year period.

Exhibit G - fax from Cindy Tester from Attorney John Savage in terms of the annexation agreement.

This is proposed to go before the City of Rifle Council Meeting on August 19.

Chairman Smith admitted Exhibit G into the record.

Discussion was held. The Annexation Agreement with the City of Rifle became a stumbling block as it placed the County in a precarious position as far as approving a conditional use permit with County requirements when it might be annexed into the City.

Mark stated if the Board did approve this route based on having a pre-annexation agreement in place, the plans could be submitted but it would need to be conditional upon the City of Rifle approving the County's standards.

Other issues were discussed such as using an ISDS system; not having the entire project before them; landscaping requirements.

Cindy Tester -1011 Grand Avenue - Glenwood Springs mentioned that the City of Rifle would be meeting on Tuesday, August 18 and she would know by that date whether or not it was approved. She submitted a letter referring to the pre-annexation.

Chairman Smith admitted the July 30 letter as Exhibit G.

Cindy stated that the long and short of this is that the City of Rifle does not want to hold Mr. Sills up. The City wants to see this property developed. However, the plan before the Commissioners today is to develop 24 acres into a self-storage and not just talking 5 buildings. This is an important issue before the City and secondly, the City does want to see Mr. Sills comply completely with the Rifle Business code. The goal is far less than the Rifle Business Park that will keep the consistency of landscaping visual impacts etc. with the adjacent property; third, in the event that Mr. Sills does want to get approval for the 24 acres the City would request absolute denial of the CUP if that's exactly what he's asking; but if he is looking at developing just a small portion of the 24 acres for the CUP process and get some sort of self-storage on the East end, the City has indicated to the County that it will not object to the County giving conditional approval of that sort of a development.

Cindy further said that she can not hurry the City Council along any faster. The agreement will not happen until August 19 and the Board will not meet again until September 8; therefore she suggested if there was some way the Commissioner could fashion it where he can get in the

ground and get going on the east section before that time, but absent some sort of middle ground, the City would certainly urge this Board to hold off and continue this until their next meeting. Mark stated his dilemma is for how many buildings.

Jim Sills asked if the number of buildings could be limited until the annexation agreement was approved?

Exhibit H - copy of the plan was submitted.

Chairman Smith admitted Exhibit H into the record.

Jim stated what they were talking about is 5 buildings with the City of Rifle.

The Board reviewed the plat.

Cindy Tester said the pre-annexation will cover the landscaping, water issues, sewer service and roads. The City is extremely concerned about the landscaping, the visual impacts and harmony with the color of the buildings; and concerns on the water issues, fire flows, sewer service, etc. Chairman Smith said it sounded like a solution would be by the 19th and she suggested this be delayed until the City of Rifle has the annexation agreement. She suggested an additional meeting.

The Board reviewed their schedule and determined they would be back in on August 20 and could continue this until 9:00 A.M. on that date.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to continue the hearing until the special meeting set for August 20 at 9:00 A.M.; carried.

#### ***Contract Change Order - Courthouse Remodeling***

Mark presented that there would be a \$500 change in Bob Szrot's office to allow for a drop ceiling.

The Board authorized the expenditure.

Mildred Alsdorf mentioned that Dale was scheduled for his evaluation at 4:30 P.M.

The Board said they would evaluate Dale at 4:45 P.M.

#### ***Executive Session - Personnel in County Attorney; a Claim Regarding a Former Dispatch Operator; and Discuss Claims on the Four Mile County Road Project***

A motion was made by Commissioner Martin to go into an Executive Session. Commissioner McCown seconded; carried.

A motion was made by Commissioner Martin to come out of Executive Session. Commissioner McCown seconded; carried.

#### ***Consider Role in Sopris Land Conservancy***

Don summarized that this was the group trying to form an Intergovernmental Agreement to manage the conservancy with the conservation easement instead of Aspen Valley Land Trust and there is some structural problems; and want RFRHA as an entity to have a representative on the Conservation Easement Controlling Board. Don said he has a legal problem with that due to what we are seeing right now with a battle between Aspen Valley Land Trust and RFRHA over the enforcement of the Conservation Easement. If RFRHA sits on the Board that is going to enforce the easement against it, you've got a conflict from day one.

Commissioner Martin suggested finding out the results of that meeting between Aspen Valley Land Trust and RFRHA to see if they were cited as in violation of the Agreement. He suggested contacting Reed Haughey and finding out what took place.

#### ***TeKeKi***

Commissioner Martin stated the meetings involving TeKeKi, that he received a letter stating the mediation has ceased and there has been a proposal by the Carbondale Board of Trustees and Mark Chain to approach the railroad to see if they wouldn't annex the section from County Road 100 down to Catherine's Store bridge, making this into the City limits and annex the road that was there - the non-maintained access road into the City - annexing TeKeKi into the City limits

through a special election. Mr. Considine is in favor of that but they are wondering if the County would be in favor of this if they make this into a parks district and go from there. They would like to sit down with the County and discuss the pro and con on that and this will be discussed at their Town Trustee meeting. Nieslaniks would not be annexed into the City, they would remain in the County. The remainder of Considines' Ranch, 6,000 plus acres would remain in the County - partly in Pitkin and partly in Garfield.

Don stated if this proposal involves annexation and potential condemnation with a competent payment to them, it would not be a bad proposal for the County. But everyone has to recognize that prior property owners can be annexed against their will but you still cannot take their property against their will. They can condemn it if they wanted it for a park, they have authority to do that, but there must be payment after that. Municipalities can condemn for park land.

Commissioner Martin - the value of the land was appraisal. If it is annexed the Town of Carbondale would have to do a new appraisal. This is still in the talking stages.

The meeting will be this week with their town board.

Officially the Board stays non-committed.

**LIQUOR LICENSE RENEWALS: NEWCASTLE KOA, 3.2% OFF PREMISES; BURNING MOUNTAIN RV PARK, 3.2% OFF PREMISES; SUNLIGHT MOUNTAIN INN - HOTEL AND RESTAURANT**

Mildred Alsdorf presented the following Liquor or 3.2 Beer License Renewal Applications: Sunlight Mountain for a Hotel and Restaurant License; New Castle KOA for a 3.2 percent beer retail license - off premise only; and Burning Mountain RV Park for a 3.2 percent beer retail license - off premise. She stated that New Castle KOA had opted not to renew their beer and wine license as they were not doing enough business to make the license pay for itself. Mildred further indicated that there were no problems with the Sheriff being called in for either of these three establishments.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go ahead and approve the New Castle KOA, Burning Mountain RV Park and Sunlight Mountain Inn for liquor license renewals; carried.

***Agreement between the Eagle, Pitkin, Garfield, Lake and Summit Counties Concerning Joint Cooperation for Citizens' Review Panels***

Mildred stated the first Agreement between the 5 Counties cannot be located anywhere, therefore Mary Lynn is asking that the document be authorized to be re-signed.

Commissioner Martin made a motion and Commissioner McCown seconded authorizing the Chair to sign and ratify the agreement; carried.

**DEDICATION OF COUNTY ROAD 456 - DANIEL BECKER**

Mark Bean, Don DeFord and Daniel Becker were present.

Mark submitted a letter from Daniel Beck and said he asked Daniel to come before the Board and make this request.

Daniel Becker - Silt submitted a map and explained the location of the parcel explaining that this was part of the 4th filing of the Asgard Subdivision. They did not find water so it was never done. His dad wants to deed this parcel to 3 family members. What he requested of the Board includes, in legality, the one third of a mile of Odin Drive.

Don stated the way to properly do this is to simply get a legal description for the right-of-way and deed it to the County and this will accomplish what he is wanting to do.

Daniel stated it was a paved and maintained County Road.

Don stated the process would be: Daniel deed it to the County; Don brings it before the Board; the Board would pass a Resolution accepting the deed for right-a-way; and both documents would be recorded. At that point it becomes the County's, Daniel loses it, and then you have a public road that splits the property.

Daniel stated there is some survey work that needs to be done to formally describe the road.

Don asked what kind of a right-a-way did they Board want this to be. Commissioner McCown stated something that is contiguous with the rest of the right-of-way on Odin Drive.

A decision was made to do a 60' right-a-way.

Daniel said the would not have a problem with this.

Mark verified how the property was currently deeded and instructed Daniel that there would need to be something in the deed specifying how these parcels were created since three parcels will be created.

Don mentioned he was not proposing that this happen. He was simply indicating that the right-of-way be deeded. You can not create parcels through deeds. You create the road then what happens, happens.

Mark clarified it's the County's deeded right-of-way and then we take the position that they can file separate deeds based on the separation of the deeded right-a-way.

Don stated it has to be a warranty deed full interest in the property - it can not be a right-a-way deed. The reason Don wanted this clear is that this is not the normal way we take a road, normally the County takes a quit claim deed, which is a right-of-way deed and only gives the County a right of service. This doesn't legally split the property. Don reiterated that the County needs a transfer of all interest in the property.

Commissioner McCown asked where this put Daniel Becker as far as creating three parcels.

Don - if he transfers a full deeded interest in this right-a-way, the property is split. There is no exemption process, it's split.

Mark stated this comes under the exception to the definition of exemption.

***Courthouse Remodeling - Update***

Mark said that the carpet will be laid Friday, Bob will move same day into his office and the Administrator's office will be ready for Ed Green on Monday.

***Executive Session***

A motion was made to go into an Executive Session by Commissioner Martin and seconded by Commissioner McCown; carried.

A motion was made to come out of Executive Session by Commissioner Martin and seconded by Commissioner McCown; carried.

***Adjourn - 4:45 P.M.***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to adjourn the meeting; carried.

Attest:

Chairman of the Board

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AUGUST 10, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 10, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green; Assistant County Administrator Allen Sartin; and Clerk and Recorder Mildred Alsdorf.

**CALL TO ORDER**

Marian Smith called the meeting to order at 8:00 A.M.

***Race - Battlement Mesa***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign an approval for a foot race in Battlement Mesa for RE-2 School; carried.

***Nursing Contract***

Chairman Smith mentioned the contract with the State Department of Health for \$922,926.00. A decision was made to make sure Don DeFord had approved the contract prior to a motion.

***Fairgrounds***

Commissioner Martin made a motion to approve the Fairgrounds and Stall Rental Agreements for John Downing on September 8 -13; CCQHSA for August 3, and Fairgrounds Use only for Antonio Ruiz for August 21, 1998. Commissioner McCown seconded; carried.

**COUNTY ADMINISTRATOR**

County Administrator Ed Green began employment today with Garfield County.

Commissioner McCown asked if Ed had met with the Interim Directors. Ed said he had met with Allen Sartin for about four hours.

Mark Bean, Allen Sartin and Dale Hancock provided an update to the Board.

***Courthouse Remodeling -Update***

Bob Szrot's office was completed and he was moved into his space on Friday. Allen Sartin will be moved by Tuesday.

Ed Green stated it was his and Allen's intention to meet with all the departments this week.

Chairman Smith complimented Mark and Dale on the job well done as Interim Administrators.

***Regular Monthly Meetings - Management***

Commissioner McCown mentioned the Board had asked that the Administrator meet monthly with the Department Heads and Elected Officials and would like Ed to re-institute that as soon as possible.

***Management Style - Chain of Command***

Chairman Smith stated that Ed would be the one person that receives everything and then delegates it out. This is the style of management that the Board wanted to have in place.

***Surgery Report on Former County Commissioner Arnold Mackley***

A report was given by Chairman Smith stating the doctor was only able to repair two of the three damaged arteries with the by-pass surgery. He was home recovering from surgery.

***Road Tour***

Commissioner McCown mentioned they drove the same roads as last year. He recommended looking at the problem areas and giving this annual event a different structure.

### ***South Canyon Road***

Chairman Smith reported that Winnie Richardson had called and commented that the grading on the South Canyon Road was in very bad condition.

### ***County Road 109***

Ed Green was provided an update on the project. Some discussion was held regarding the recent slide and the potential of a soil nail application on the damaged slide area.

### ***Carbondale - Smith Property***

Commissioner McCown stated Carbondale is considering annexing the Smith property and the Board would be notified of this pending action.

### ***Bond Issue - Canyon Creek***

Mildred submitted the Project Manual for the Canyon Creek Estates Street Improvements for signatures.

Commissioner Martin authorized the Chair to sign. Commissioner McCown seconded; carried. Mildred reported that Russell George's Office is compiling all the information.

### ***Fairgrounds***

#### ***County Fair***

Chairman Smith gave a report on the Barbecue at the Fairgrounds.

#### ***PA System***

The PA System was great. The speakers project very well.

### ***PA System - Commissioners Board Meeting Room 301***

Mildred reported that Roland would like to put in three more microphones.

Discussion was held.

When the amplifier is turned up there is a feedback.

The Board agreed the problem needs to be addressed.

Mark stated the quality of microphones are poor. Discussion was given about some new more improved equipment. Clip-on's and the possibility of getting all new and modern microphones were suggested as well.

### ***Continued Meeting - August 20***

Commissioner McCown stated he will not be able to attend the meeting on Thursday, August 20 as it conflicts with the Communication Authority. The Airport Authority and Jimmy Sills are listed as agenda items.

### **DISCUSSION: GLENWOOD BRANCH LIBRARY EXTERIOR REPAIR - SUSAN BARRENA**

President of the Library Board Susan Barrena, Don DeFord, Ed Green and Allen Sartin were present.

Susan thanked the Board for repairing the Library roofs. She indicated that Jackie Spuhler is out of town but had submitted documentation to the Board.

Susan stated that the New Castle Library will be completed Tuesday and Wednesday. The problems at the Glenwood Library are multifaceted. The source of the problem is drainage.

There is another problem that the stucco on the exterior is in need of repair as well. She reviewed the proposals with the Board and the time-frame was discussed.

Commissioner McCown mentioned the City of Glenwood Springs engineer should be contacted and have them involved in the repair process.

Susan suggested that once the Contractor is on board, then possibly he could involve the City.

The Board wanted the County Engineer to look at this problem as well.

Chairman Smith mentioned this was a 99 year lease with the City as they owned the land.

## **JAIL DISCUSSION**

Sheriff Deputy Jim Sears, Dale Hancock, Don DeFord and Al Maggard were present.

### ***Jail Count***

Total in jail: 127. 41 main jail; 30 Work Release; 8 females; 11 Home Detention; 9 Workenders; DOC. - 3. 28 are in other jails including: 2 Clear Creek; 2 Mesa; 1 Jeffco and 23 in Summit.

The new electrical water heater has been installed.

### ***DOC Beds in 1999***

Dale reported that the number of beds will be 800 short when they open all the new facilities in 1999.

They are bringing all the inmates back from Minnesota.

### ***Community Corrections***

#### ***Board Meeting***

Al mentioned that the Community Corrections Board was scheduled for Thursday.

#### ***State Meeting***

The State Meeting was held this past weekend and the major emphasis was on transition of inmates. Al commented that it was a very good information session.

#### ***Restorative Justice - Steamboat***

Al reminded the Board this would be in September.

### ***Jail - Salt Plant Site***

Dale reported the only work available was the geotechnical but they are in the process of doing an environmental study as well.

### ***Jail - Airport Site***

Dale and Don had met with the City of Rifle on Site Development for the Jail.

Dale stated the meeting with Bob Howard was held and they suggested to Bob Howard that there was a need to make a decision on the location of the site.

Direction was provided on future action.

Dale reported that the Rifle City Attorney and City Manager was reducing to a form of understanding what the City of Rifle would be offering and as to what their concerns and requirements might be on a cited facility at the west end.

Don commented that Rifle, through their City Manager, said he is not in a position to make a commitment on what flexibility Rifle may have in regard to such things as impact fees, connection fees, or infrastructure. Don summarized that in his opinion the City would like them to seriously look at the site at the Airport as it would fit better with their long-term plan south of the river in terms of developing infrastructure. He added they have sewer out to the Industrial Park at this point. They thought the extension to the west site of the Airport property is something the County should look seriously at and cost might not be out of hand for that. Also, they felt that water infrastructure was adequate already to deal with a jail facility although in the long term they will need more storage as that area develops. A dollar range from \$200,000 - \$400,000 was estimated on the sewer line expansion program.

### ***Brochure - Airport Development***

Bob Howard indicated there is a brochure available on the Airport Development Project.

Don also indicated that Lee Leavenworth and David Hawker also felt in terms of long-term County usage, for other facilities other than the jail, that the Airport site might be better than the Hollenbaugh property.

***Concern for Road, Emergency Services and Sheriff's Protection***

Don stated there is a concern for roads that would need to be addressed and for emergency medical services and emergency law enforcement assistance for operation of the jail and based on that, the Hollenbaugh site may be more suitable.

***Report from the School of Mines***

Don said there was a general consensus that he and Dale did not feel bound by the report from the School of Mines and would be looking at this from a fresh approach.

***Airport Location - Jail - Court Facility - Rifle***

Dale commented that Bob Howard's preference is for a site further away from the road. Commissioner McCown indicated he would like the County to take the least desirable property. Dale suggested for Howard to look at the conceptual design and see that the structure would fit into the overall plans for his development.

Don stated the road usage was also addressed and it would depend upon the location of the facilities as to which road would be best. Mamm Creek Road would be the best road for the east side but for the development on the west side it would be different.

***URS - Direction on Jail Sites - Airport, Salt Plant and Hollenbaugh***

A decision was made to wait until the Environmental Assessment is done at the Salt Plant by the City of Glenwood Springs, and before anything further is done on the Hollenbaugh to wait for the geotechnical report; but for the Airport, Commissioner McCown commented there was no need to proceed further at this point. The County should not be the one to drive the sewer line up the hill. Commissioner McCown also stated that at the Hollenbaugh site, there is an 8" water line and Dale could so state that a new 8" line would not be done by the County to that location.

***County Attorney - Taughenbaugh Building***

Don presented to the Board a question regarding insurance. Rich anticipates going out to bid this week for a painting contract for the Taughenbaugh Building. Rich indicated this may be in the area of a \$30 - \$35,000 contract. Don stated the company doing the work would be required to have the basic insurance, however regarding payment bonds required of the contractor, a firm policy has not been established by the Board.

Discussion

***Direction***

Progress Payments and Warranty on Products

A consensus of the Board was that no performance bond would be required and payment would be authorized as: 10% up front; 80% substantial completion; and 10% upon final.

Allen stated this would come under repairs and maintenance in the budget.

***Plat - Chelyn Acres - Wagner - Four Mile Area***

Don showed the Board the plat with the turn around on Mr. Wagner's property. The County did encroach. This is not platted and the lots were not recorded; they were laid out by meets and bounds. Don gave Mr. Wagner a copy of the plat and he will get back to the Board as to what he wants to do.

***Copy of a State Contract for Nursing Services - Child Screening***

Don has not reviewed the Contract.

Commissioner Martin made a motion to go ahead and authorized the Chair to sign after a favorable review of the County Attorney. Commissioner McCown seconded; carried.

The contract starts July 1 so the County was late in getting the document.

## **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

### *Request for Exemption from Final Plat Revocation: Property Located at Sierra Pinon Subdivision*

Mark Bean, Don DeFord, Dale and Cheryl Johnson were present.

Don summarized the situation and the reasons for the Board action. The Board passed a Resolution vacating the existing Sierra Pinon's Plat as to all lots that had not been conveyed at the time the motion was passed. The Resolution was recorded which is Don's understanding that by minutes and hours the County's document was recorded before the deed to transfer the property to the Johnsons but after the time that the actual conveyance between the developer and the buyer occurred. Therefore, Jim Leutheuser, Assistant County Attorney wrote a letter to the Johnsons, as landowners that this might create a cloud on their title. The Board and the Johnson's need to discuss this issue before further action is taken.

Don also indicated that the Building and Planning Department would not issue a building permit. The Johnsons understood the problem and the responsibility they were assuming by asking for the exemption from the plat revocation process.

The Board indicated this was their sole purpose in having the Johnson's come before them in order to have the record reflect that they were aware of the responsibilities they were assuming in case Mr. Porter did not meet the Preliminary Plat conditions for approval of the Final Plat.

The Johnsons said they appreciated the awareness and requested revocation of the plat.

Don stated the Title Company's transaction took place on August 18th but the document was not recorded until August 22nd and that he could not explain the delay. Don reiterated that he wanted to make sure the record is clear that this issue is in litigation; the road is not constructed per the Subdivision Regulations; and any liability would be placed on the existing landowners for road maintenance with a per lot assessment if necessary.

The Johnson' asked how this would affect Barton Porter's voting strength ability and asked if he would be on the same footing as all other homeowners in that Subdivision.

Don said yes he would.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve an exemption from the final plat revocation for Sierra Pinon Subdivision for Dale and Cheryl Johnson; carried.

## **COUNTY BUSINESS: BUILDING AND PLANNING REPORT**

### *Summary Report*

Mark Bean presented the building summary report for July. Building permit activity exceeds the 1996 to date. Residential numbers and valuations are higher.

### *Planning Report*

Mark reviewed the upcoming planning projects that will going to the Planning Commission in August and September.

### *Glen - Acknowledgment of Partial Satisfaction*

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Acknowledgment of Partial Satisfaction Subdivision Improvements Agreement for Jeffrey Glen for \$30,850 out of \$40,000 as verified by a statement from High County Engineering, Inc., Jeffrey Glen for the benefit of the Stanley Glen Rev. Trust for the Glen Subdivision Agreement; carried.

### *Update Road Impact Fee System - Contract with Dennis Stranger*

Mark mentioned that the meeting had been held with Dennis Stranger and Bob Szrot. He presented an amended contract that will address the road impact fees. At the meeting they discussed the proposed strategy and will develop a proposal for how it will work. The first thing

will be to look at County Road 320 as an example to see how this method would go as far as the potential of a road impact fee system. This will be done prior to a full-blown analysis. Mark described the process that would involve Dennis' portion of this which was the report already generated showing the revenues generated by the oil and gas industry itself and the second portion will be taking some of the work that Bob will be doing with developing the suggested axle loading easel as opposed to the average daily trips for 320 Road; also establishing existing capacity of that particular road. Dennis will then work with Bob and Mark to develop the proposed road impact fee system that may be adopted by the Board. A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign an agreement not to exceed \$3000 for Dennis Stranger; carried.

#### ***Dave Michaelson - Affordable Housing Issue***

Mark submitted a request from Dave Michaelson to use the County Courthouse for Affordable Housing Issues/Discussion.

Discussion

The Board decided they did want to be a sponsor of this symposium and offered the use of Room 301 based upon the fact that this would generate additional information for them on both private and public input and ideas.

Chairman Smith indicated that the new Housing Authority Director - Sheila Smith should be directly involved as well as all the housing directors in the affected Counties.

#### **DISCUSSION: CARBONDALE FIRE DISTRICT AND UNIFORM FIRE CODE - RON LEACH/C&RFPD**

Mark Bean, Dale Hancock, Guy Meyer, Ron Leach and Don DeFord were present.

Ron submitted a draft copy of a proposal that would adopt the Uniform Fire Code that he would like to accomplish this year. Action on the part of the County would involve approving a Resolution. Ron has been working with Mark Bean on this issue. The adoption is straight forward but it added a sprinkler provision amendment. Ron has been before the Town of Carbondale. The proposal would require sprinkler systems to be installed in all buildings over 5,000 square feet whether residential or commercial. The addition of the residential requirement would apply due to so many of the larger homes are being built in the rural areas where fire fighting supplies are not adequate to put the fires out.

Discussion was held.

Commissioner McCown inquired as to an approximate cost to install a sprinkler system in a 5,000 sq. ft. home.

Ron estimated approximately \$3.00 per foot or about \$20,000.

Stand alone and early action types.

Ron said this is a national concern and predicted that in the near future of 3 - 5 years a sprinkler system would be a standard requirement in the building code. Ron will push for more legislation. Ron indicated he would come back to the Board after he has gone before the Pitkin County Commissioners, Marble and Carbondale Councils. Ron stated he was attempting to get feedback. Chairman Smith mentioned that the County would be interested in having a fairly uniform fire code within the entire County.

Ron will work with Don DeFord and Mark Bean.

In closing, Ron said that the Boulder rural fire that had occurred in 1992 in a rural area resulted in the loss of 100 home and loss of lives.

#### **DEPARTMENT HEADS**

Guy Meyer submitted a staffing pattern and funding request for Colorado SLA for \$18,730 and requested the Chair be authorized to sign.

A motion was made by Commissioner Martin and seconded by Chairman Smith who stepped down as Chair to seconded the motion to authorize the Chair to sign the budget costs for SLA for \$18,730; carried.

### ***Fuel Moisture***

Guy Meyer mentioned that the fuel moisture content was 9 - 12. The Fire Ordinance is still in effective.

### ***Community Operations***

#### ***Road and Bridge Radio System***

Dale Hancock reported that they were about to reach completion with the road and bridge radio system with one large problem. The electrical supply to the Kimball Mountain Site is inadequate. The chopper did get to the site and Conoco split the cost. But the test indicated there was a lack of power to light up the repeater. So the County owns the power lines and Dale is getting an estimate from Grand Valley Rural Power to see what the cost for replacement would be versus what it might cost to make this a solar site. The solar concept would eliminate the access issues that are unresolved.

Dale asked the Board, if solar is available the Board would support this concept?

Chairman Smith indicated she would favor that concept. Commissioner McCown also indicated he would favor that approach.

### ***County Engineer***

#### ***Fairgrounds Facility***

Bob Szrot mentioned he would be going to Walden to look at the riding arena next Monday. His plans were to put out an RFQ as soon as possible.

#### ***Mamm Creek***

Bob mentioned the engineers found more soft spots and this would add \$100,000 to the cost of the project. This may impair the project from going to Jenkins cutoff.

The drainage is working well and going away from the road in a productive manner.

Ms. Couey chose Option C which will eliminate the right hand jog but there is still a steep curve. King has been dealing with Ms. Couey.

Bob mentioned the Structural Analysis of County Road 320 would be discussed at 1:00 P.M. today and he would be in attendance for that.

### ***Weed Management***

Gary Janicek reported that the Union Pacific grant funds have been utilized for the spraying on the railroad corridor for thistles.

A suggestion was given to do this earlier in the year.

Chairman Smith suggested that Useful Public Service could be used to chop the weeds as well. She indicated that citizen Larry Gerbaz was very concerned.

#### ***Knapweed Seed - Gravel Pits***

Commissioner McCown relayed that Knapweed seed may be in the gravel pits and when the Road and Bridge is laying the gravel they are spreading the weed seeds.

Gary will obtain the Utah's Weed Free Gravel Pits Regulation.

Commissioner McCown stated that a letter recommending the gravel pits take action on their own to eliminate the weed problem might be helpful and to include the article from Utah.

#### ***Request to Spray Weeds - Cracks in Road - Battlement Mesa***

Gary indicated that the Battlement Mesa residents have proposed to assist in the work if the County will approve some material to spray the weeds in cracks on the road. This would involve Gary's time.

Don stated the volunteer status would be okay and the County can add coverage with CTSI. The Board approved.

Don will call CTSI and make sure they can come in on the volunteer coverage.

### **TREASURER/PUBLIC TRUSTEE SEMI-ANNUAL REPORT**

### *Investment Committee*

Chairman Smith asked Georgia if the Investment Committee was still meeting.

Georgia stated that it was a small committee and she would be getting with Allen Sartin. Also on the committee was Ernie Gerbaz, citizen at large, Georgia and now Allen.

Georgia Chamberlain presented the Garfield County Treasurer Semiannual Financial Statement from January 1, 1998 through June 30, 1998 for the Board to review. She mentioned this would need to be published as well.

A motion was made by Commissioner McCown and seconded by Chairman Smith who stepped down as Chair to second the motion to adopt the report and a request was made to Georgia to publish this in the County's designated papers; carried.

### *Tax Collection*

Georgia reported that the tax collection is going well. She explained the Treasurer's Fee Methods.

### *Communication Authority - Reimbursement*

Commissioner McCown mentioned that Georgia should get with Tom Beard and Allen to work out the details of the reimbursement for services.

Georgia agreed they will get together.

### **FINAL PLAT: LOS AMIGOS RANCH - FILING #5**

Mark Bean, Larry Green, Greg Broeker, Dean Gordon and Don DeFord were present.

Don stated he has had an opportunity to review this plat. He recommended signature of the SIA reporting that 1) the subdivision central sewer meets all approved approvals; 2) the final plat mylar does not have the County Surveyor's signature and the Board requires all signatures.

Larry Green stated Sam's signature was lacking due to coordination with him.

Mildred was directed to hold the plat until it is fully signed.

Don said they will post a cash security versus a letter of credit of \$24,000.

Commissioner Martin made a motion to authorize the Chair to sign the SIA and Plat.

Commissioner McCown seconded; carried.

### **FINAL PLAT: THE PEAKS AT ASPEN GLEN**

Don mentioned that Tim Whitsit had requested this be reset for next week.

A date was reset for 10:10 A.M. - August 17.

### ***River District Report***

Richard Hunt - Hwy.. 82 - Carbondale reported on the River District saying they were addressing issues such as the endangered species; the eastern slope water of 5050 acre feet per year regarding the water rights are old and they are not anxious to share in the 15 mile region problem; the Gunnison Drainage settled in District Court and Richard doubts they will appeal; but they may file another lawsuit.

*The Colorado Wildlife* spoke at the last quarterly meeting and they are going to eliminate the non-native species such as trout, brown, rainbow, bass both large and small mouth, and about nine different varieties of catfish which is a very expensive process. There are over 800 ponds they should attack and this will cost \$ 6 - \$8 million dollars. They are proceeding to try to grow some of these species and one hatchery is on the Eastern Slope. He added they are making progress in reduction.

### *Reudi Association*

Fish and Wildlife Department is asking a 15 year commitment to the water that is non-committed.

### *Wulford Expansion*

The River District is looking into the expansion of Wulford and were willing to commit 6,000 acre feet to the project.

Richard Hunt will come back after November's meeting to provide an update.

**PUBLIC HEARING: PLANNED UNIT DEVELOPMENT PLAN AND TEXT AMENDMENT - RANCH CREEK PUD LOCATED AT THE RANCH AT ROARING FORK. APPLICANT: JANE J. JENKINS, STAGECOACH ASSOCIATION, INC.**

Mark Bean, Don DeFord and Architect David Brown, Richard Hunt and Shirley Hunt of the Homeowner's Board were present.

Mark stated both hearings were sent to the newspaper.

A phone call was made to the paper and a determination was made that it was sent. A fax copy was submitted into the record.

David Brown stated that he sent notices to the neighborhood.

Don determined that adequate notification and publication were in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Application and Attachments; and Exhibit C - Project Information and Staff Report.

Chairman Smith entered Exhibits A - C into the record.

This is a Planned Unit Development (PUD) Plan and zone district text amendment for the Ranch Creek for Jane Jenkins, Stagecoach Associates, Ltd. on a 5.586 acre tract of land located approximately one (1) mile northeast of Carbondale off of State Highway 82.

The applicant is proposing to amend the Ranch Creek PUD Plan to eliminate the designation of Lot 13 as Common Area-Open Space; eliminate the pedestrian easement connection Lot 13 to Ranch Creek Lane and eliminate the "Park/Parking" designation on Lot J11; then merge Lots J10 and J11 and increase the size of lots J6-J9. The change in designation of the Lot 13 is intended to allow the applicants to convey the lot to the owners of the Relay Station per an agreement entered into by the previous owners of the property. The applicants propose to create an on-street parking along one side of the right-of-way, but to maintain the driving surface as a fire lane with no parking. Covenant restrictions will be created to include multiple penalties - increasing fines and the towing of vehicles.

Don stated the County has the right to continue to require the enforcement of those covenants. So as long as the County wants those covenants enforced, this Homeowners Association has to continue to exist.

David stated they planned to eliminate the easement along lot 7 and his request is to eliminate the request for the easement.

Mark has suggested that this be retained. It might be appropriate for the common easement to be there but Planning Commission did not recommend that it be included.

Discussion included: Parking concerns, separate covenants from the rest of the Ranch at Roaring Creek, lot line adjustments, enforcement issues and the fire lane.

Richard Hunt - 14913 Hwy.. 82 - Carbondale inquired as to who would enforce parking violations.

Recommendation:

The Planning Commission recommended APPROVAL of the proposed PUD Plan amendment, with the following conditions of approval.

That all representations of the applicant either in the application or during the public hearing before the Board of County Commissioners shall be considered conditions of approval, unless modified by the Board.

Prior to the approval of a Preliminary Plan, the applicants will provide covenants restricting on-street parking to one side of Ranch Creek Lane, with multiple and progressively more expensive fines for violators. Parking should also be restricted to non-residents and not for more than a 48 hour period of time.

That the Final Plat include the following plat notes:

- a. Each lot is required to have two (2) additional off-street parking spaces in addition to the two (2) covered off-street parking spaces on each lot.

b. Ranch Creek Lane is a fire lane and no parking is allowed on the driving surface At any time and the covenants include a method by which property owners can be fined for parking on street.

That within one (1) year of approval of the PUD amendment, the applicant will submit the Final Plat for the PUD.

Chairman Smith summarized the parking concerns saying there will be a fire lane on one side with no parking period; and the other side they can have parking.

Commissioner McCown added that the condition 3b. states no parking is allowed on the driving surface at any time and a 2' shoulder is not going to allow for parking.

David Brown commented that essentially they will a 40' right-of-way; 20' will be hard scraped shoulder or driving lane; and this leaves a 10' area on either side. On one side there will be no parking and on the other side there will be parking.

Commissioner McCown asked if this was going to be ditched for drainage?

David Brown - that will mean someone will have to park in the swale.

Commissioner McCown asked if there wouldn't be a maintenance problem with this in inclement weather?

David Brown stated not substantial; they will put gravel on it.

Commissioner McCown added there will not be adequate shoulder parking without them being in the ditch - 6 feet of the car will be in the ditch. Does this need to be addressed when we get to the next phase and widen the shoulders out to allow for parking on one side?

Mark Bean - this would be a good idea and make it clear where you can and cannot park.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the PUD Zone Text District Amendments for the Ranch with the recommendations 1 - 4 noted in the staff packet on page 4 & 5.

Motion carried.

**PUBLIC HEARING: PRELIMINARY PLAN - RANCH CREEK PLANNED UNIT DEVELOPMENT LOCATED AT THE RANCH AT ROARING FORK. APPLICANTS: JANE J. JENKINS, STAGECOACH ASSOCIATION, INC.**

Mark Bean, Don DeFord and Architect David Brown were present.

Don determined that mailing was timely; publication was adequate; and posting notification as stated by the applicant can not be verified as to whether or not the posting was still in place until this date; it will be for the Board to decide if the required continuous posting was met.

The Board agreed the applicant could proceed.

Chairman Smith swore in the speakers.

Mark presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Project Information and Staff Report; Exhibit E - Easement Agreement - Hunt/Ranch Creek; Exhibit F - Letters from McLaughlin Water Engineers, Ltd. and correspondence related to water issues dated April 6, April 16, May 21, June 12, and June 16, 1998; Exhibit G - Letter from Carbondale & Rural Fire Protection District; Exhibit H - Letter from Colorado Geological Survey dated February 23, 1998; Exhibit I - Letter from the Division of Wildlife dated February 19, 1998; Exhibit J - Letter from the Roaring Fork School District RE-1 dated March 9, 1998; Exhibit K - Resolution from Roaring Fork School District RE-1 Board regarding standards for land dedication and cash in lieu of land dedication; and Exhibit L - Letter from the Department of Health dated March 4, 1998; and Exhibit L - Letter from the Office of State Engineer - water division.

This is a request for Preliminary Plan review for the Ranch Creek PUD. The applicants were originally proposing to develop 24 lots, that included a lot for a park/parking and another lot for common area maintenance. The proposed amendment to the Ranch Creek PUD, if approved,

would reduce the total number of lots to 22, with one lot being for Park/Parking. Two of the remaining 23 lots will have the previously noted existing dwellings. All of the dwellings are proposed to be served by the Ranch at Raring Fork water and sewer systems. Access will be provided by the main entrance to the Ranch at Roaring Fork onto a 40 foot wide access easement that goes from Stagecoach Lane on the east side to Stagecoach Drive on the west side of the restaurant. Up to 17 of the proposed lots will be accessed via the previously noted easement, the remainder of the lots will access directly onto roads owned and maintained by the Ranch of Roaring Fork.

Discussion on:

*Water Rights* - David Brown stated that the position they were taking is that there are substantial rights. The Homeowners Association has chosen to ask the water court to allow one of their wells to move water from one well to another and pump more water. There is a memo submitted in the packet of information to the Board from McLaughlin referencing 120 acre feet per year and read into the record the following: "The Ranch of Roaring Fork is applying to the State of Colorado to Change the Point of Diversion of some of their existing decreed water rights from their current diversion point to the point of diversion for their domestic water supply which is the new Skinner Well and two back up wells. This will allow additional diversions from the wells to serve both the Ranch at Roaring Fork and Ranch Creek PUD we anticipate their approval of the Change in Diversion forthcoming from the water court." This is from a letter dated May 21, 1998 signed by Dean Derosier of McLaughlin Water Engineers, Ltd.

Don DeFord stated one of the conditions of approval from the Planning Commission was that before approval of the Board of Commissioners, that a letter be obtained from the State Engineer's office that there was no material injury or would be no material injury, and asked David if he had any further contact with the State Engineer's office since this was in front of the Planning Commission?

David Brown - no - they expected Mr. Lautenschlager to not modify his letter until such time as this passes through the water court.

Don DeFord inquired if they anticipate submitting to the State Engineer's office again, after you are through with water court?

David Brown - yes.

Mark Bean added that Don is pointing out that it has been the position of staff and the County that until the letter from the State is revised, technically you cannot approve this, even though the documentation included in the application has indicated that this will occur.

Don DeFord - just so that the record is clear on this issue, State Statute provides that if the State Engineer does not find a no material injury, the Board either can deny the request or the Board can actually go ahead to approval. But if the Board goes ahead, the Board has to find on the record the manner in which no material injury will occur. The staff's position taken for many years is that the Board of Commissioners should not be in the position of having to determine material injury so you should wait until the State Engineer's Office can give the Board a clean letter.

Mark suggested a continuance to a date certain, possibly in October, and subject to once they have received an additional letter from the State indicating no material injury.

Don stated under new State Law this can not be continued unless the applicant agrees to the additional time frame

David Brown - agreed they would allow it.

Commissioner Martin made a motion to continue this until October 19, 1998 at 2:30 P.M.

Commissioner McCown seconded; carried.

#### **ROAD AND BRIDGE DISCUSSION**

King Lloyd, Mike McBreen, Don DeFord and Elzie John Rippey, Vice President of Grand River Construction - 2111 117 Road were present

### *Canyon Creek Estates - Change Order*

Discussion was held.

Don DeFord explained that there was confusing language on the bonds; and the bidder in this case, Grand River relied on the "no bond" statements contained in putting together their bid. A project of this size by State law must be bonded. A change order was prepared based on an increase of the price for the project by \$1738. So based upon that, what is being asked is that the Board go ahead and authorize the Chair to sign the Change Order with the increase with the bid prices in full amount to acquire performance and payment bonds. Don stated further that even with the addition, the total contract price is substantially lower by \$10,000 than the other bid. Mike mentioned the other bid \$152,655.

Commissioner McCown so moved the Chair to sign; Commissioner Martin seconded; carried.

### *South Canyon Road - Complaints*

Chairman Smith reported she and Commissioner Martin had complaints from the Richardson's that the road was bad and it was due to debris flows. This needs to be checked.

### *Roller Bids - Century Equipment*

King mentioned that the bids had been narrowed down to Century Equipment and had been trying to make available a machine they could inspect because prior to the bids this opportunity had not been given. A time was set for today's agenda to continue this discussion. Century Equipment has come up with the rollers being considered in the award and they will be available on September 15, 1998. King asked the Commissioners to make a tentative award to Century Equipment for this particular roller with the condition that should it meet approval upon inspection, that a final award could be made after that date.

Commissioner McCown suggested holding off of the award until September 21.

King stated there were six companies that bid, but only two had come anywhere close to the specifications. The Century Equipment bid is for \$138,666; the next closest in specification and price is \$147,000 from Honen; and the third is Farris at \$184,000.

### *Project CR 320*

King reported that 2 miles of tarsands has been completed. The project is going good but they are still in a bind for gravel; they are still having crusher problems. The dirt work is progressing well.

### *Mamm Creek*

The Engineers are trying to get the last part of the design done so this can be back before the Coveys and confirm a good understanding.

### *Sanding Material*

King said the bid documents for the sanding material will be out soon. The type of material and prices were discussed last year and King wanted to suggest some things regarding the type of materials to be bid. King explained the different types of material used in the past - volcanic cinder and washed rock. In the past few years, bids have been accepted for both types of materials.

Discussion was held and King asked if the Board would consider a blend of volcanic and crushed material? King suggested the volcanic material being hauled by County trucks and crushed material being hauled by contract.

Commissioner McCown said the value needed to be placed on the hourly rate of the County trucks the same as bidding it out and yes that he would consider that proposal. However, he suggested King get with some of the other pits to see if they come up with a blend of something that is not washed. It could be almost be some of the screenings from the places that are making road base right now. And Commissioner McCown added that his second choice is a blend. King mentioned to go with a crushed material with a higher fine content, we would have to treat the pile with mag chloride or it would create freezing.

**CONTINUED CONSIDERATION: FINAL PLAN DOCUMENT FOR OAK MEADOWS FILING FOR BEAVER COURT**

Mark Bean, Don DeFord, Bob Pennington and Davis Farrah were present.

*Waste Water Treatment Status*

Davis Farrah stated they had made application to the State but the State can't approve the final plan document submitted and have asked them to consider going through a variance treatment process.

Bob Pennington provided information as to what this variance involves and what it means for the project. Bob submitted back in May and received a response in July from Dick Bowman stating the proposed plant does not meet their design criteria; basically Dick cannot deviate from that. This is a unique technique and wants them to go through a variance procedure. Basically, the Airmaud Waterlink people will assume full financial responsibility for the plant's operation and maintenance for whatever period is deemed necessary by the State. OMSCO needs to say they want to do the variance procedure. This involves Bob having to go through the Homeowner's Association and get approval. It is a long process and basically they will end up leasing the plant from Airmaud who will build and operate it; (Bob will properly operate it with Scott Leslie) and after a certain amount of time the State will say everything is cool and turn around and sell the plant to the developer. This plant will be the first in the State with an ammonia removal process. Bob is the design engineer.

Davis Farrah - submitted the Final Plat for Filing No. 4 and said they anticipate a September time frame.

Don DeFord mentioned on the Preliminary Plan Filing No. 2 for the rest of Oak Meadows, again there is the State Statutory limits on time frame.

Mark stated they waived their right to the time frame.

Don suggested this must be in writing and this needs to be done for the record.

A new date was set for Beaver Court Final Plat - reconsideration - December 14, 1998 - 2:00 P.M. in a motion from Commissioner McCown and seconded by Commissioner Martin; carried.

***East Elk Road***

Don informed the Board that Gary Osier of the Forest Service will vacate the portion of the road where there is a gate. He would like for the Board to take a look at this portion of the road.

Don informed him that they will need to file a petition; demonstrate a method by which non-vehicular access will be maintained legally; and they also will have to post the road for a request to close a road that accesses public land.

Gary has indicated to Don that they have significant funds to do some work to make it more suitable for a trail and not a road.

***Executive Session - Litigation involving TeKeKi/Aspen Crystal River Estates; Existing Claims out of the Communications Department; and Litigation concerning Affordable Housing Issues***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss the items Don mentioned; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

**DISCUSSION: WATER QUALITY ISSUES - COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT. BILL MCKEE**

County Engineer Bob Szrot, Bill McKee Colorado Department of Health - Water Control and Jim Evans - Associated Governments were present.

***Garfield County Watershed Plan***

Bill McKee presented an outline that focused on the key goals and objectives that would be included in this Watershed Plan:

Rewrite of the area wide plan developed for Region 11 in 1986 for the lower Roaring Fork basin and the Colorado River basin through Garfield County.

Proposed Funding: Section 319 Non-point source dollars available to Water Quality Division.

Estimated Grant Funds - \$15,000.

Required cash or in-kind match from the County - \$10,000.

Key Goals/Objectives are to identify necessary wastewater treatment facilities (new and expanded) for a 20 year planning period.

Update wastewater service areas of towns, districts, privately-owned facilities (Ski Sunlight)

Designate water quality management agencies (land use entities) and operating agencies (districts, privately-owned WWTP) and establish responsibilities for carrying out the plan.

Develop criteria, guidelines for control, prevention of non-point source pollution (construction sites, permanent storm water management practices)

Review water quality classifications and standards and recommend any desired changes.

Determine if Total Maximum Daily Load (TMDL) is required for various stream segments and set policy, priority for establishing TMDL where needed.

Source Water Protection - new requirement under Federal Safe Drinking Water Act.

Examine drinking water systems and their source water areas (surface supplies).

Wellhead areas (groundwater sources of drinking water).

Contaminant inventories, vulnerability assessment (risk factors for potential contamination).

Watershed Planning Project Management & Logistics.

State submits work plan for this project to Region 8 EPA for approval.

State contracts with Garfield County to do the work (terms agreeable to both parties).

Garfield County uses grant funds to pay portion of County staff salary, costs to develop the plan or hire consultant (subcontractor) to develop, write plan with County & WQCD supervision.

Local advisory committee could be appointed by Board of Commissioners to scope, steer planning project and hold public meetings, other strategies to provide education to citizens and foster buy-in from affected groups.

Time frame: Need to submit work plan for 319 funds to EPA - September, 1998.

Need two months to process contract through the state system.

Once the project is started, allow 9 - 12 months for plan development and completion.

The Board asked Bill if the State was required to have an updated 208 plan? Is this being mandated as a State?

Bill stated that under 208 of the Clean Water Act, it says that "plans will be developed and also updated annually." This is suggested, but it has never been done. Nationwide the Region 11 is the State Water Quality Division's responsibility to do planning. Bill stated that looking at Phase 2 of the Federal Storm Water Regulations that are proposed where the smaller communities need to look at storm water management, they may be required to get a permit in the future. If the County has better plans about how you manage some of these non-point sources you will be in a better position to deal with any regulations that come down at a later time and this would be to the County's advantage.

Commissioner McCown asked if the County embarks on this, are they basically responsible for just the unincorporated areas of Garfield County? - each individual city and town - are they going to be doing one of these for their expansion?

Bill McKee responded that they would be included. It is his department's view that they would be included.

Commissioner McCown - yes, they would be included in the plan but what he was saying was that the County has no control over the cities and towns.

Mark asked if this would be under the 201 plan.

Bill says that the 201 facility planning requirements under the Federal Law does not apply anymore because we really do not have grant money. Now the State has a revolving loan program. The communities are still required to do a planning effort to define alternatives and costs - it's a facility type of plan, but it doesn't meet all the requirements of 201 of the Federal Act.

On how to accomplish this if towns and cities would not cooperate, Bill said the State has information from the last time they updated the plan.

Mark added that additional data based information is available from annual inspections of the Sanitation Districts.

Bill said that the best way is to have each entity cooperate and suggested to contact them and ask them to sign a memorandum of understanding stating they will cooperate in the plan. Bill added that he will help to get the towns and cities to cooperate.

Commissioner Martin commented that he thought the County should be willing to take the lead. Louis Meyer - SGM - historically we know the districts and the amount of development going into the County but there is a lot of unknowns. Agrees with Bill and said there needs to be leadership on this issue. Garfield County understands the issues better than the State Health Department when they get into local county planning issues. He projected that the County will see a rash of site applications. Louis said the County is the authority on any site application and as the local land use authority they have to comment. He encouraged Garfield County to get involved. Municipalities have distinct service areas. There are a lot of different groups looking at this issue and all agencies should be brought together. He thinks cooperation will be given by the town's staff.

Michael Orion - echoed Louis's comments. In looking at the Roaring Fork Basin he said it needs to be looked at the entire thing and other entities.

Mark Bean stated the 208 has influence on whether or not a particular sanitation district is upgraded and approved. The 208 plan gives the local governments a lot more direct input into the decisions as to whether or not the facility should or should not be updated. At the present time, all we have is the 1986 plan which is outdated and it doesn't provide the Commissioners much guidance nor does it help the State as to where they should or shouldn't be approving site applications. This would provide a more current look at it and the Board the ability to have a lot stronger say in the appropriateness of a location. Ultimately, the final decision does come down to the State Water Quality Control Commission through the Department but they rely very heavily on a 208 water plan in making those decisions.

Bill McKee stated this is very well said.

Mark went on to say that it does give the County much more local control in that sense.

Otherwise we are relying upon the State to make a decision for us without the County having a lot of input into it as far as the perimeters and guidelines that we would like to see locally.

Jim Evans - Associated Governments - said that this is a much better approach than massive region-wide study with all the basins at one time. It also has an additional benefit in helping your own County expertise at the staff level. Other Counties would be interested in how Garfield County will proceed with this. Jim said he talked to Commissioner Ben Bell in Routt County and they have been talking with Moffat County about doing something along the Yampah River for the two counties.

Charlotte Zilm - 0090 Sunlight View said they look to the Board of County Commissioners for leadership and asked if the County ever wanted to use the Sunlight View sewer plant for something else?, do you want to limit it? - they don't have any idea what the County's wishes are.

#### Direction

Commissioner Martin made a motion for the said the Board to direct Ed to see if we can find the proper staff to go ahead and work with and towards Mr. McKee's suggestion and to do a joint effort and go for a grant and upgrade our this - go for a grant and update the 208 plan.

Commissioner McCown seconded.

#### Discussion:

Chairman Smith would ask Bill if he would work with Ed and get a time-frame where a letter could be sent out to the municipalities so they would know that this Board is embarking on this, also to the Sanitation Districts, anyone that would be involved in the Roaring Fork and Colorado

River. One that should be added would be C-DOT because of Glenwood Canyon Facilities. Bill said they would ask others such as Natural Resources Conservation Service, Forest Service, BLM and others who own or work on resource problems and what they are doing about it. Bill Zilm - 0090 Sunlight Drive - we talked about water quality control and the plans existing out here, but we do not say anything about the septic systems existing now. When you accumulate all the septic systems out there that are dumping directly in the stream or in other people's back yard there is far more pollution accumulate there than in the plants because they are controlled. He added that this needs to be considered.

Mark stated these would be part of those non-point sources.

Bill McKee stated as far as detailed studies about septic tank problems he didn't think there was enough staff time to do investigations, but there are some areas where the State has heard there are problems and if they can find out more about those, they could help. But maybe to come up with some kind of policies about or further guidance about whether septic tanks are appropriate in certain areas and propose this as a policy.

Commissioner Martin said he would like to see this included in the study.

Bill stated the County may want to refine what they require.

Vote - Motion carried.

Chairman Smith further stated that Garfield County's donation would be in-kind versus cash.

**PUBLIC HEARING: SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING LOCATED APPROXIMATELY ONE MILE EAST OF CARBONDALE OFF OF COUNTY ROAD 100. APPLICANT: LESTER CRAIN**

Victoria Gianolla and David and Sigred Murray of Carbondale were present.

Don determined that adequate notification and publication were in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Victoria presented the following Exhibits: Exhibit A - Public Notification and Returned Receipts; Exhibit B - Garfield County Comprehensive Plan; Exhibit C - Garfield County Zoning Resolution; Exhibit D - Garfield County Subdivision Regulation; Exhibit E - Application and Attachments; Exhibit F - Project Information and Staff Report; Exhibit G - packet of letters and Exhibit H - set of plan sheets.

Chairman Smith submitted Exhibits A - H into the record.

This is David and Sigred Murray's property.

This is a Special Use Permit for the Lester Crain accessory dwelling unit on a lot in Goose Creek Subdivision to allow for an accessory dwelling unit of 1,000 square feet to be placed on an existing lot which was precariously subdivided. The apartment is proposed to be located above a detached garage.

Recommended Findings from the Garfield County Zoning Resolution of 1978.

The applicant will need to supply approval of a well permit prior to issuance of a Special Use Permit [Section 5.-3(1) and 5.03.021 (4)].

Lighting on the proposed structures shall be suited so as to shine down and towards the structure and not outward and onto any neighboring properties [Section 5.03(3)].

The applicant shall submit evidence of approval of the accessory dwelling unit from the subdivision's Homeowners Association {Section 5.03.021(3)}.

All construction will be required to conform with the county's building code regulations [Section 5.03.021(7)].

The location of the feeder ditch should be recited since its current location runs adjacent to the hone [Section 5.03.10(2)].

The applicant should indicate the size of the proposed detached garage area, The site plan shows the garage as attached while the narrative states that the structure will be detached.

The applicant should include a note that no wood burning fireplaces are allowed, and that all stoves shall meet the requirements of the state, n this site in accordance with the recommendation of the Garfield County Planning commission.

The plan should include a note that only one dog is allowed on this site in accordance with the recommendation of the Garfield County Planning Commission.

David and Sigrid Murray answered the concerns of the Board and drew a map of their property. They have a 6 month time restriction on the mobile home they moved onto the property. They would like to construct an accessory dwelling and live in that while they construction their main residence and then leave this was a rental.

David stated he intended to build according the Goose Creek Homeowner's Association rules and regulations.

#### Staff Recommendation:

The Garfield County Planning Commission has put forth a recommendation of conditional approval of the application for the Special Use Permit for the Lester Crain accessory dwelling unit to the Board of County Commissioners upon completion of the above listed items 1 through 7 regarding this application.

The following two (2) issues raised in the staff report for the Public Hearing before the Garfield County Planning Commission are still concerns of staff.

The applicants should be required to comply with the individual sewage disposal regulations (ISDS) of the County. A per and probe has been performed and revealed that an engineered "mounded" ISDS would be advisable. The protective covenants require review and comment by the Town of Carbondale of any new ISDS [Section 5.0-3.012.(5)].

The precise width of the driveway surface should be revealed by the applicant. In addition, Blue Heron Lane should comply with the minimum design standards of the County's road specifications. The width and the surface of Blue Heron Lane should be discussed in the application and shown on the site plan. Street improvements to provide safe and convenient access, and to adequately accommodate the traffic volume generated by the proposed use, should either be in place or be constructed in conjunction with the proposed use. Staff measured the width of the roadway in the field as ranging from twenty (20') feet at the junction with CR 100 to fifteen (15') feet at the point of access to the site.

The applicant should discuss the total amount of traffic which will utilize the lane. Given that a total of six (6) homes will be utilizing this lane, including the current proposal, the access road is characterized as semi-primitive. Semi primitive roadways require a minimum of two (2) eight (8') foot lanes with two (2) two (2') foot shoulders of a gravel surface. In addition, a forty (40') foot right-of-way is required. The applicant should demonstrate that such road provisions are either in place or will be upgraded for the portion of the road which provides service up to the subject site [Section 5.03.(2) and 5.03.12].

A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Martin to approve the Special Use Permit for the applicant with the staff's recommendations.

Commissioner McCown - added to strike the second paragraph on staff's recommendations on (b).

Commissioner Martin amended his motion to include this addition of "when available and advise the Homeowner's Association that the road be according to County standards." Commissioner McCown seconded; carried.

Chairman Smith asked Victoria to go back and look to see if there is anything on the Homeowner's Association regarding Kent Jones' veto power in the Goose Creek Subdivision.

**DISCUSSION: WASTE TRANSFER STATION - EDCDC ENVIRONMENTAL. RICHARD MCMULLEN**

Dix H. McMullin and Richard D. McMullin of ECDC Environmental L.C. 10500 South 1300 West, Suite A, South Jordan, Utah were present.

A brochure was presented and Richard gave an oral and visual review of the material submitted. The purpose in coming before the Board was to open a dialogue and they were not here to ramrod anything.

The location being looked at is the Mid Continent coal load-out facility in Carbondale on County Road 100.

The idea is to haul trash daily in containers on railroad cars to ECDC's landfill in Utah. They would contract with privately operated trash haulers and one benefit to Garfield County is that it would reduce the truck traffic on Hwy.. 82.

Dix McMullin mentioned that negotiations are currently being held with RFRHA for short line freight service between the load out and Glenwood Springs where cars would be hauled on the Union Pacific tracks that run along I-70 to Utah. He stated there is also a short line rail company, the New England and Southern Railroad currently operating out of Concord, New Hampshire who is negotiating with ECDC and RFRHA to provide freight service along the Denver and Rio Grande line. He added this will be considered at RFRHA's next meeting scheduled on August 21. Both Dix and Richard answered the various questions regarding potential capacity problems in the landfills; Utah's capacity; smells; liability and hazardous materials including spills; batteries and tires; costs associated; and how the County fits in.

Ray Lloyd commented that the potential shippers and short line operations would be coming to discuss options with RFRHA on August 21.

The McMullins asked permission to contact the County landfill and asked if this Board would be open to this to extend the life of their landfill?

The Board commented that they were very concerned as to the amount of heavy truck traffic that goes through Glenwood Springs and use on County Roads.

***Executive Session - TeKeKi - Affordable Housing Issue - Communication/Dispatch***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

***Adjourn - 4:55 P.M.***

Attest:

Chairman of the Board

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AUGUST 17, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, August 17, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

***Letter - C-DOT Support Highway Funds for Douglas Pass***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a letter of support for C-DOT for highway funds for Douglas Pass; carried.

***Letters - COPS More Grants - Software Issues***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a form letter submitted by the Sheriff that verifies no misuse of software within his office; carried.

***Michelle Tauntee - Five County Citizens Review Committee***

A motion was made by Commissioner McCown and seconded by Commissioner Martin Name to endorse Michelle Tauntee for the work force committee; carried.

**COUNTY ADMINISTRATOR**

Ed Green gave his report to the Board on various issues addressed at his first meeting.

***Year 2000 Analysis***

The outside Computer Specialists has completed the evaluation of our computer systems and a draft was given to Allen on Friday.

Ed asked Dale Hancock to look at the facility as to Y2K issues and to also look at medical and calibration equipment he and will have a report by the end of the week.

***Water Study Plan - 208***

Ed met with Bob Szrot and Mark and have developed an approach of that issue. It will consist of a team of Rob, Mark and Bob. Mark will provide the growth date; Rob the GIS support. This week they are identifying the resource requirements; need to develop a marketing plan including the scheduling of public meetings; and the work plan is expected to be completed for the Board's consideration no later than the end of the month.

***Library - Physical Improvements***

Ed and Bob met; Bob talked to the Library staff as well as his counterpart at the City; and he talked to the contractors mentioned by the Library staff last week. Bob's analysis is that there are three aspects to the repairs that need to be completed: 1) the biggest part that comprises about 70% is the landscaping. The intent is to build up the landscaping using a clay base around the building to ensure proper drainage from the building; check the sealant to ensure they are appropriate; re-sod and replant the shrubs once that is completed; 2) about 20% of the job is to either mud jack or replace the sidewalks in question; and 3) 10% is to repair the facade panels damaged by water and to extend the roof system. This may be conservatively less than the estimates and the City may be responsible for the external facility costs associated with the Library. Bob will pursue this.

The engineering analysis will be completed by Friday; after that the contractor is selected; then completion can be done within two week after notice to proceed.

### ***Courthouse Office Remodeling***

Bob and Allen have moved into their respective new offices.

### ***Meetings with Elected Officials and Department Heads***

Ed said he had about twenty meetings last week and there are a lot of issues to be considered. Ed and Allen have specific areas they have determined as priorities and will focus on immediately: 1) to develop a bottoms-up budget and control system; 2) developing a countywide information system which can support the budget and control system for functions; 3) there is a need for a stronger safety program throughout the County. The workman's comp experience is not good; at any given time there are two to three people out on workman's comp. There is a need to develop a safety culture that insists that zero is the appropriate number of accidents and injury. This includes facility and equipment safety and development of safety culture; and some immediate needs in acquiring personal protective equipment for the Road and Bridge employees such as eye and foot protection, appropriate gloves for the right job; and 4) for all the other operational issues it is apparent that there is a need to develop some type of strategic focus with respect to the operation of the County - establish our mission, our values and from that develop some key objectives and improvement projects that feed on those objectives.

Ed said in talking with the elected officials and department heads, there is a lot of energy around doing just that - deciding just what is important, what the priorities are and how they should be scheduled. Ed said he would like to begin that process in the next couple of weeks.

### ***Executive Session - Personnel Issues***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of an Executive Session; carried.

### **PAYMENT OF BILLS**

Allen Sartin presented the bills for review and approval of the Commissioners.

A motion was made to approve the bills as submitted by Commissioner McCown and seconded by Commissioner Martin; carried.

### **DISCUSSION TO EXTEND FIRE BAN**

Guy Meyer stated the fuel moisture content was between 8 and 11.

Discussion was held as to having the Fire Ban in effect.

A new date was set for September 21 to review but for the present time to keep the Fire Ban in place.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to sign a Resolution to that effect; carried.

Don stated this will also need to be advertised.

### **JAIL DISCUSSION**

Sheriff Dalessandri, Dale Hancock and Al Maggard were present.

### ***Jail Count***

Total in jail: 127. 39 mail jail; 29 Work Release; 9 females; 8 Home Detention; 5 Workenders; 2 DOC and 37 in other jails. Tom said that last week they had 41 in other jails. These are being housed mostly in Summit.

Tom mentioned the Worksession scheduled at noon. Michael Lucid said he doesn't feel like the building (jail) itself will work for his center.

***Executive Session - Nystrom Litigation***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session to discuss the Nystrom Litigation; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

***County Road 266***

Don DeFord informed the Board that citizens not on the agenda will be coming before the Board including Mr. Maddox and Mr. Call regarding County Road 266. The Board will need to provide King and Don some discussion.

***Meeting with City of Glenwood Springs***

Mildred mentioned that the City of Glenwood Springs would like to meet with the Commissioners. Several dates were proposed. August 25 was set.

**COMMENTS FROM CITIZENS NOT ON THE AGENDA**

***Bill Slattery - Hwy.. 82 - Rudd Airport***

Bill presented his concern regarding airplanes and noise as well as traffic noise on Hwy.. 82. His request was to have approval to build a fence 10 feet high on the North and South sides on his property to drown out some of this annoying noise. He said he had already started the fence and was unaware that he needed a building permit until he received a cease and desist order from the Building and Planning Enforcement Officer. J. W. Weaver Fence Company out of Carbondale is the contractor.

Bill was seeking permission and understands that he needs to get a variance and he is willing to do whatever is required in order to gain the permission to continue.

Mark informed Bill that the next step is to go before the Board of Adjustments with an appeal and the next meeting is scheduled for the 4th Monday in September.

The problem is that the zoning for fences for front yards cannot be more than 36" high and a fence for any other part of the yard is limited to 6'. Therefore, the variance is needed for the front yard.

Bill said his trees were 14 feet high and the fence will be painted green and will blend in.

Chairman Smith stated the only course of action the Board can recommend is to go to the Board of Adjustments.

Chairman Smith suggested this issue was one regulation that might need to look at as well.

***Rudd Airport***

Bill mentioned the Rudd Airport concern.

The Board suggested that he write a letter stating his concerns and noted that this has not been before the Board yet.

***Speed Limits - County Road 100***

Shasa Omen - 275 Garfield Avenue - Carbondale - County Road 100 mentioned his concern regarding the speed limit up to the Bridge saying it ranged from 20 to 25 to 35 and asked if anything can be done to have a uniform speed limit. In his opinion it is sadistically low.

Commissioner Martin mentioned this road was under the Model Traffic Code. Road and Bridge has received complaints as to the visibility on the road and that speed was a major factor.

Brad Hendricks said he strongly agrees with Shasa that the speed limits are too slow. This is all in the County.

Chairman Smith said we hear from the people with children riding bicycles on the road and this was the recommendation.

Shasa Omen those that do obey the traffic speed limit, usually going the 25 mpr, end up having a parade of people behind them; and those that don't, which he estimated as 50%, break the law and go over the speed limit.

Chairman Smith mentioned that homeowners in the area came in and asked to have the speed lowered.

Commissioner Martin that the Board could mention this issue to Road and Bridge and have them advise the Board as to whether or not the speed limits should remain the same or if they should be increased.

#### **COUNTY BUSINESS - DISCUSSION: COUNTY COMMUNICATION SYSTEM UPGRADE - DOUG WELLER**

Doug Weller - 4408 County Road 331 - Silt - came before the Board to express concerns in the future on the phone system. He said with the potential for additional requests for modems, that the County is out of single line extensions. The upgrade is not a big thing - only need to add a new bay and another card to accommodate 12 more modem extensions. Presently there are only three bays. He asked to have feedback from the Board. He suggested a new bay and said if the County would purchase an INSDS from U. S. West then everyone could have a direct line. The cost figures were given at \$3500.

Doug stated if the Board is open for an INSDS, then he will need to look at the cost of it. Doug stated it might need to be bid.

The Board recommended Doug sit down with Allen and Ed.

Additionally, Doug mentioned the phone system is in compliance for the year 2000.

#### **FINAL PLAT - THE PEAKS AT ASPEN GLEN, FILING #2**

The applicant withdrew their request.

#### ***Building and Planning***

#### ***Acknowledgment of Partial Satisfaction Los Amigos - SIA***

Commissioner McCown made a motion and Commissioner Martin seconded to release \$111,500 and retain \$12,500 for Los Amigos Ranch Partnership; carried.

#### ***County Engineer***

#### ***Riding Arena***

Bob went to Walden and talked to Kent Crawley - handed out a summary of expenses and mentioned these expenses were from 1991.

Bob described the Walden facility as nice; however, Kent as the County Administrator did all engineering, design work and acted as the project contractor. The morale of the story was that the out of pocket expenses added up to \$400,000 plus Kent's time of about \$100,000.

Bob explained that there were several options 1) take the original \$300,000 and build what we can; and 2) take the several buildings down. If constrained does Bob do design or would the Board want him to put this out for a quote?

Commissioner McCown said he would like Bob to handle this as he had an interest in the project; also he did not have a preference on how the numbers come together but suggested for Bob to look at \$300,000 this year and another \$100,000 next year. He added to relocate the existing structures prior to construction. For the new facility a covered facility is the critical problem and this will give us the safety buffer and 2) as the design is concerned, it should be done in phases.

First, the covered facility with all the infrastructure in the ground, generate the office space as necessary for Fair offices, and by Extension Office during the Fair; 2) and complete the phases as revenue becomes available.

#### *Water 208 - Schedule*

Bob reported that he will work up the first draft and run this by everyone; but before this is submitted to Bill McKee he will review the objectives, costs and details to fulfill those objectives with everyone. After he receives the go-ahead he will fax this to Bill and projected this could be as early as Friday; then Bill will review and add what he feels is needed and send it back to us; and then the work will be submitted to EPA.

#### ***Treasurer***

Georgia and Allen presented to the Board that a payment agreement via wire transfer versus a warrant was done earlier in the Spring - a CBGB grant for senior options assisted living. Allen stated that apparently that grant requires the County to wire transfer money on Tuesday August 18. Allen wanted to make sure that this was on the public hearing process in order to have the expenditure of funds known to the Board and the public. The amount is \$48,033.

#### **EMERGENCY MANAGEMENT DISCUSSION - GUY MEYER**

##### ***Emergency Exercise at the Airport - Mass Casualties***

Guy reported there was good participation and they worked out many issues. A full scaled exercise is being planned for December with an emphasis on 80 - 90 mass causality victims. Guy stated he sent a draft to the EPA to review.

##### ***River Contingency Plan - UPA***

Guy stated they put out a draft and he gave a copy to Ed to review. Guy stated he will come to the Board for support after Ed reviews.

##### ***ING Training - Spring 1999***

Guy stated he is also working on some ING training geared for the Spring of 1999.

#### **HUMAN SERVICES**

Margaret Long, Deb Stewart, Cheryl Hurst, and Wanda Berryman were present.

##### ***Women's Services - Legal Services and Healthy Beginnings***

###### ***Legal Services***

Cheryl Hurst, Director of Garfield Legal Services said that women's services include domestic violence because 98% of the victims of domestic violence are women. Legal services does not exclusively serve women, they serve about 250 victims of domestic violence each year. Legal Services is able to help these victims with emergency restraining orders, permanent restraining order hearings and a new program was developed within the last year at the request of Judge Zerbi to mediate at the permanent restraining order hearings. Through the mediation the perpetrator is able to have some say in the matter, defuse his anger, and to stand up for some of the things that are of utmost concern and the top three are: parenting time with the children, who will pay the bills and who will have what vehicles. Then a stipulated agreement can be entered into the permanent restraining order hearing and that reduces the number of violations on those orders and consequently reduces the number of people who are in the jail and also reduces the number of people that have to go through the courts. It also increases the safety of the victims and the law enforcement officer responding.

Legal Services works closely with the DA's office and their Domestic Violence Program is set up to contact the victims and help them get through the criminal process. That office also offers compensation services of victims of domestic violence sometimes with assistance with housing, medical bills and sometimes loss wages.

###### ***Advocate Safehouse***

There is a very strong task force that works together that includes the Advocate Safehouse Program. Julie Olsen was unable to be here today to present, therefore Cheryl provided the review saying that Advocate Safehouse Program has seen a demand for services in their program and domestic violence cases are more severe including bodily harm and more children are involved. The Advocate Safehouse Program now has a program for children's groups from the ages of 5 to 13 to help them deal with the effects of witnessing domestic violence. Statistics show that children who witness domestic violence will grow up to be either perpetrators or victims.

In connection with the domestic violence issues, Garfield Legal Services continues to offer services after the crisis and some long-term planning by offering a monthly "do it yourself divorce class" in order to finalize that relationship and get orders for child support in order that they can continue to care for their children.

#### *Gateway Program*

Cheryl mentioned another program for women is the Gateway Program. Patti Christenson was also unable to be present today and Cheryl gave the review for the Board. Gateway received a \$50,000 grant last year to add a job training component to the educational and counseling already offered. The people at Gateway feel this will help them provide a more comprehensive program to get people involved in jobs and help those participants learn skills to stay employed.

#### *Planned Parenthood*

Wanda Berryman presented for Kathy Bishop, the Director of Planned Parenthood who was unable to be present today.

Wanda said that Planned Parenthood provides access to reproductive health care for men and women, although 90% of the clients are women. They have the primary clinic in Glenwood Springs and a satellite clinic in Rifle and Eagle, but they are looking at expanding services to the Basalt area. The demand for their services are up. Last year they had about 5000 visits and saw 2,300 clients. This year, they have already seen 4000 clients. The majority of what they do is family planning and provide annual visits for women of all ages.

#### *Healthy Beginnings*

Wanda said that last year they enrolled 230 clients and had 185 who delivered at Valley View Hospital. This year again the numbers are up but because of the financial limitation they have had to start restricting scheduling. At this time they are not scheduling women who do not have a pay source who are non-Medicaid women. How this will be resolved is yet to be seen. As soon as the State contract comes in they will start rescheduling. The impact of this could possibly be that some pregnant women will enter prenatal care late. Early prenatal care is probably the most important factor in determining healthy babies.

One of the things they did this year was to establish the outreach program to get women in earlier and submitted a flier for review by the Board. They also did Public Service Announcements; and offered car seats to women who do enroll during the first trimester. The outreach program is funded by the Aspen Foundation, Aspen Thrift Shop and a grant from the State.

Wanda stated that the numbers for 1997 were 230; in 1998 they have 200 enrolled thus far.

### **SOCIAL SERVICES**

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into the Board of Social Services; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of the Board of Social Services; carried.

### **DISCUSSION: SHERIFF AND LAW ENFORCEMENT MUNICIPALITIES**

Don DeFord, Mac Myers, Dan Hall, Phil Jones, Terry Wilson, Daryl Meisner, Jim Sears, Michael Lucid, Fred Bitterman, Mr. Rupp, and Al Maggard were present.

Chairman Smith announced the topic for discussion.

Sheriff Dalessandri mentioned to the Board that there had been several discussions over the past several weeks regarding what to do at the jail with those charged with crimes who are intoxicated and those individuals picked up and evaluated for mental health holds for transport. The mental health issue is cut and dry by law and they cannot be housed in jail properly but there is a need to put them somewhere and actually by Statute, the jail can be considered a temporary holding facility.

Alcohol Issues center around exposure on the part of the jail in terms of two issues: 1) licensed staff available to monitor those who are overly intoxicated; and 2) those that are severally intoxicated (one was .5 bac plus - life threatening).

Tom commented that the issues are around having staffing available. Some discussions have been held with Colorado West and noted that Michael Lucid was present today. In one related Carbondale issue Colorado West was called in to monitor a couple of people at the jail until they reached a suitable level where their bac had dropped. Colorado West is not always available. There has been some discussions held with Colorado West to provide a person as needed. Costs associated with that have not been discussed. The other issue is facility. Even if detox is available to monitor individuals, there will be times when there is no suitable space to have the monitoring.

The major problem regarding a facility was summarized as being a concern among all the local law enforcement agencies and especially since the Sheriff has implemented a policy of refusing to accept intoxicated prisoners with a .2 percent bac. Local law enforcement agencies consistently face the dilemma of what to do as their staff is not equipped to hand them.

An in-depth discussion was held and input was provided by many representatives of the communities of Rifle, Silt, New Castle, Glenwood Springs and Carbondale.

Sheriff Dalessandri mentioned that the meetings held with the law enforcement agencies produced a long term solution which is a new jail with a detox center attached if at all possible; the intermediary solution is the key and that is to accept these drunks and those who are incapacitated and make whatever arrangements that can be done at the moment to assure safety concerns. With the intermediary solution the question then becomes what can be done to modify the existing building and/or site to better accommodate this problem so that the jail and County are exposed the least amount for liability and the individual agencies bringing these folks in are also exposed to the least amount of liability as it the individual prisoner. Two solutions that were identified were: 1) to place a temporary building in the parking lot that could be used as an intermediary treatment center where people can come down from their alcohol levels and then be immediately transported into the jail and likewise if the detox person was having a problem with the individual, the sheriff's staff could come and offer immediate assistance. The M-1's could be held there in that trailer until transport is available. 2) The other option was to vacate the administrative portion of the building and convert that into the same type of a facility and move the administration somewhere else such as a modular office structure on the vacant lot across the street.

Michael Lucid - Assistant Executive Director for Colorado West Mental Health (CWMH) said he did a review of the building and he was not satisfied with the administrative structure of the building. Colorado West is uncomfortable with the set up. It appears to CWMH the viable intermediate solution would be for them to have staff available to support the jail staff and then monitor these folks in some place. They are willing to do this now in the jail, but as the jail gets full, then it becomes necessary to have a room or two where they could monitor and work along with the jail medical staff. CWMH, at this point, is talking about providing 1 staff person for 7 days for 1 shift to augment the medical staff at the jail. Carolyn, the nurse at the jail, has spent some time at Colorado West in relation to detox. In terms of Colorado West in adding their services, they want to cover the expenses; therefore there needs to be some way to fund the staff and benefits for their staff person.

They are nonmedical staff now that are trained - cost of \$10 - \$12 per hour; total yearly is \$36,000 to \$40,000. Benefits are 18 - 20%; nursing staff is on for 7 - 10's to 12's; and there is still a gap - no 24 hour day coverage.

Commissioner Martin asked if Valley View Hospital had been approached to participate? Sheriff Dalessandri said they have never been receptive. Valley View has assisted with emergency care.

Michael said they are working with the Rural Resort Region designing a crisis stabilization unit that would be a combination of detox and ATU having one or two rooms with a locked capability so that in that facility the individuals causing the most trouble could be handled. They are also not planning on making it 27M capable and could not hold people there for 72 hours but they could hold people there while waiting for transportation to a facility and provide some emergency psychiatric treatment and medication to them. This would be an upgrade to what they have presently. At present Colorado West is putting together a clinical description of how this all works including a business plan and financial plan; they are talking with the City about zoning issues for 711 Grand Avenue; and it doesn't appear that there is enough change to kick it out of the current zoning. Once this is approved through the City, Michael said they would get an architect to draw plans; present to the Rural Resort the description of services and the plan/cost; and Rural Resort will try to find funds to build the facility.

### ***Crisis Stabilization Unit - Direction***

#### **Solution Proposed**

Mac Myers said there was a need to have an intermediate solution and felt they were running out of short term options.

Terry Wilson stated he has not talked to the City about this recently, but in the past he has.

Don DeFord stated the County, still under the Special Ordinance of the City, has a legal right to put a temporary jail facility on the UPL site, it is time limited and this is something to be explored.

Sheriff Dalessandri mentioned that Spacemaster had addressed a secure facility and has a design on paper.

Commissioner McCown mentioned that his concern was whatever effort - it is a band aid. He also asked who was going to do the screening. The officers in the field will do the best they can but if Rifle has one that meets the criteria, Carbondale, New Castle, CSP comes in with two we're filled - who do we turn away?

Mac Myers said this is the essence of the problem - these are all small departments. We have got to get a new jail.

Sheriff Dalessandri mentioned the Chiefs were working on arrest standards where everyone enters as an interagency and agrees to certain standards of custody and then the agencies will continue to release those that at an acceptable level. The temporary facility is a start.

Chairman Smith mentioned that if administration was moved into a temporary facility and remodel on the north side was to take place, this doesn't make the most sense.

Sheriff Dalessandri said it does from a practical standpoint of security more than anything else because if Colorado West is having a problem with someone on that side of the building and he presses a red button on the side of the wall and says to the one being detained - "you can behave here or you can go down the hall to the jail unit." If they continue to act out, a deputy is a short corridor away.

Don added what the City Ordinance permits right now is a temporary jail facility, if you put something other than a temporary jail facility, you would probably have to go through the permitting process. Time is the issue.

#### ***Re-model Administrative Portion of Present Jail***

More discussion was held with respect to the administrative area and it was determined that 4 beds per office times 5 rooms would yield 10 to 14 beds.

Daryl Meisner - this problem has grown and didn't know how the Chiefs as a group could assist the Board of Commissioners in getting the project moving forward but if everything was set and you could begin building a new jail today, it'll take three years. In three years, this problem will be three times greater than it is today. Next year he could almost guarantee the Board they would be right up against the wall. This is purely a bandaid and it does not solve the problem.

As a community, a county, as Commissioners, as law enforcement we've got to do everything we can to look for that long-term solution.

Mac Meyers agreed that this intermediate solution was a bandaid and this group is willing to commit their support to the Commissioners to do whatever possible to get on with the new jail. Chairman Smith stated that these Chiefs need to be listened to and that's been the problem over the years. Their viewpoints have not been taken into consideration.

Commissioner McCown assured the group that the frustration level with the long-term solutions are not any higher than theirs.

Terry Wilson mentioned he appreciated the Commissioners staying in and committing the work towards a solution, fighting the fight and said as a group the law enforcement officers appreciate and are willing to help the Board.

Chairman Smith asked Tom what he needed.

Sheriff Dalessandri stated he needed to work with someone the Board might appoint for the possibility of converting the Sheriff's Administrative Offices in the County Jail into a secure place to house noisy, combative drunks and mental health cases. Until something else is arranged, they will continue to do what they are doing which is to take them, try and arrange for a detox person and/or medical staff to monitor them as they can, and the law enforcement agencies will have to understand that on some occasions there will not be a particular place for the moment but they will make a space available as they can until this modification is done. He added they will start working with Michael on that.

### ***Recognition - Bob Szrot***

The State of Colorado State Board of Registration for Professional Engineers and Professional Land Surveyors made a decision after full consideration of his file, to award Bob Szrot as a Professional Engineer.

### **ROAD AND BRIDGE AND BRIDGE DISCUSSION**

#### ***Communication System - Solar System for Kimball Mountain***

King and Rich of Westron Communication Services presented the concerns and cost estimates in placing a solar system for Kimball Mountain.

King mentioned that Conoco was selling the property of the site.

Commissioner McCown was apprehensive on this sale and determined that this needed to be found out first as to the effect on the site.

King mentioned that Dale is aware of the situation and has been working on it and can answer these concerns on the lease.

Helicopter time was estimated to take approximately 3 hours (\$1500), an estimate of the equipment at \$3670 for an estimated total of \$5000.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to increase the contract not to exceed \$5000 for the helicopter and equipment, after Don's review; carried.

### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

#### ***County Road 266 - Maddox Gate***

Don DeFord, King Lloyd, Roger Call, Jackie Collins, Paul Bagley and Richard Maddox were present.

Don gave a brief summary of the situation saying that Mr. Call contacted him and indicated that Mr. Maddox had placed a gate on a County Road - that being County Road 266. Prior to that time, King or someone from Road and Bridge had mentioned that he could not gate the road. The County Surveyor has been out on the site and provided Don with a copy of the plat known as the Asgard Subdivision. Don brought attention to the upper right hand side of the Plat and said the Plat does show a change from the County Road 266 to something that entitled 'road easement' with words written under it that indicating that it is access for use for irrigation purposes. Don stated he didn't know precisely where this gate in question is located although Mr. Maddox told Don it was located along his south property line. The plat, Don said, is in his opinion, a model of clarity but it does show a change in the status from Road 266 to something involved in a road easement with limited use stated on the plat. The dedication dedicates public roads and alleys and drives for public use - it doesn't mention this road easement and it seems to Don that the most likely interpretation is that it changes at the point of reduction from a public road to a road easement to be made available to those who are seeking it's use for irrigation purposes. This is where we stand on the issue right now. Don added he asked the parties to come before the Board to address this issue.

The turnaround was shown on the plat.

Jackie Call - 1403 Abrian Drive in Rifle said they own the property across the road to the north of Mr. Maddox and the gate that Mr. Maddox placed has blocked their access to their property and it is a major concern because he has placed a sign on the gate stating that "End of County Road 266 - Private Property Beyond This Point". It doesn't say it is an access road, it says private property. It gives people the impression that they can't even go up that road at all with the sign on that gate. Mr. Maddox - showed the Board the property pins and location and said he owned Lot 3. He pointed out the 'allocated easement for a public road'.

Jackie Call mentioned that if the gate stays up there, they will not be able to get any mail service up here. Mr. Maddox receives his mail in town and he used to receive it in the box close to the turn around. With no turn around access to a mail carrier, they will not back down a road to deliver mail nor when they go through a closed gate.

Paul Banglely said his signature was on the plat and in 1966 the late 60's, he and Becker turned this road over to the County and they put that turn around at the end of the road for everybody to use that was using that road at that time. I've been there since 1959 and we've used that ..... every time - now it's fenced off now to the end of that Lot 46.

Chairman Smith clarified with Mr. Bagley that where they were going in -

Paul Bagley - showed her and said they were going in there since 1959. There's is no room for anybody to turn around where he put that gate. It's a real narrow road because of a row of trees and irrigation ditch there - there's no way to turn around there unless you back down at least 200-300 yards and then you have to back into another man's driveway.

Mr. Maddox - where are you going to turn around if I take the gate down.

Paul Bagley - turn around where that original 50 right-of-way that shows on there is.

Mr. Maddox - that hasn't been there for years.

Paul Bagley - the ditch is culverted and everything - it was a turn around - the fence picked up - you could turn around there - the snowplow turned around but the last few years, it's been fenced off.

I turned around there for years - Coulters had it; and then a family named Judd.

Mr. Maddox said the reason he put a gate up is I feel this is my property across here - there is no lock on the gate, I'm not stopping anybody from going up to the head gate and checking their water. But this is not a public road - it's just a road easement for irrigation access - that's what it says right there "for access to irrigation ditch."

Chairman Smith stated it says on this - the easement's for an irrigation and drainage ditches as reserved on noted on the plat. Then she saw where it was written on the plat which shows a 25 foot which means that this would be a legal access for any property owner up there.

Paul Bagley said after it goes past his driveway it opens back up to 30 feet on that easement.

Mr. Maddox said the only easement on that property is for irrigation ditch access.

Paul Bagley - well what about my property, didn't I have a right there - heck, I've been going in there since 1959 through that gate and I know it's been there all of my life....I've been here since 1946.

Mr. Maddox - back in 1946 there wasn't 500 people there.

Paul - but there was a road - I mean if you want a gate - put it on your driveway off of the easement - if you want to keep people from turning around, take the fence down on your upper end - it's just a one wire fence.

Chairman Smith - mentioned this is an amended plat.

Don - this is an amendment to the Antler's Orchard - this relates to the original Antler's Orchard filing where roads were dedicated to the public on the Antler's Orchards' plat and on this plat road easements are shown as dedicated to the public.

Paul Bagley maintained that at least 50 people use the head gate easement.

Chairman Smith asked Don - if this is access to the irrigation ditch, road easement is on the plat - does an easement belong Lot 3?

Don DeFord said No, the easement belongs to those who need it to get through for irrigation purposes.

Chairman Smith - Mr. Maddox, you're thinking it's your property - it's an easement.

Mr. Maddox - I'm not blocking it - I'm not keeping people out of that.

Roger Call - you are with that sign on that gate.

Mr. Maddox - it doesn't say an easement for mail delivery access - it says for irrigation access.

Roger Call - said as it was mentioned earlier, a mail person will not back up the road.

Mr. Maddox - no body's getting mail up there anyway but me.

Roger Call - mentioned that several people have lots all through there - how are they going to get their mail?

Mr. Maddox - there's no mail box up there now anyway.

Don DeFord said the most likely interpretation is, doesn't mean it's the only one and to really resolve it, you'd have to go through District Court to get a declaration as to the status of this easement.

King mentioned the concerns from the Road and Bridge standpoint is that now there is no place to turn around.

Chairman Smith - the County was using that too.

King - the snow removal and regular road maintenance, we'll have to end back here until there's a convenient place provided for us to turn around.

Mr. Maddox said he talked to Craig and I told him there was no problem when it snows to lay that gate open and you guys won't have to get out and open the gate or anything else.

Don DeFord - if it is an easement, it is his property subject to the easement.

Mr. Maddox - can the gate be on the easement?

Chairman Smith asked Mr. Maddox as to why the gate when up?

Mr. Maddox - because we got tired of the people turning around in the driveway - all the traffic coming by.

Chairman Smith asked for Mr. Maddox to identify his driveway off of this easement. So I guess the question I've got - do you have a gate in there too?

Mr. Maddox - no.

Paul Bagley - that would be a good case for a gate.

Mr. Maddox - but I feel this is my property - I'm paying taxes on this while everybody else uses the road.

Don said if it is an easement, and he qualified that, and it's not a public road, it is his property subject to the easement.

Mr. Maddox asked what does that mean? Does that mean the easement - can a gate be put on the easement?

Don - it means that the County doesn't have any control of whether or not there is a gate on an easement - it is not a public road; if it is an easement for access for irrigation purposes

Roger Call - what the turn around there for?

Don - said he did not know.

Roger Call - the turn around was put there - they've lost it in the last 18 years because someone just re-claimed it, but there is a turn around there.

Mr. Maddox said that road was never dedicated to the County.

Roger Call - no one is saying that it was, but there was an easement for people to use that and a turn around so they wouldn't be backing into your driveway. So if you want to put a gate on your driveway that would keep people from backing up in your driveway, but I feel that is not why you put that gate there. You don't want people driving up there period.

Mr. Maddox - I haven't stopped a soul trying to go up and check their water.

Paul Bagley - well then you need to put that on the gate then cause I've got an Uncle there and he's been there for 50 years and he asked me if that was private property up there. He said he was scared to go through there.

Commissioner McCown - was that turn around, and this goes way back before I was even here - was that turn around for the people going up to check the ditch.

Paul Bagley and for the snow plow and the for the mail and paper route. There's been a mail box sitting in his driveway for 20 years and he quit getting his mail there because he wanted to put the gate there but this adjoining lot, now they can't mail service up there if they built their house - they paid a lot of money for that lot.

Commissioner McCown - from looking at this plat, they still have access to their lot off of 266 - it may not be the best access -

Jackie Call - the gate that accesses our property currently, before Mr. Maddox put up this gate across the road, is almost directly across from his driveway so in turn what the sign is saying that this is private property beyond this gate and the end of County Road 266, people do not feel like they can even go through that, cause that's exactly what the sign says. It doesn't say this is an access road from this point on.

Dana Maddox - there is not driveway - no improvement.

Paul Bagley - said there is an easement to get on the ditch right-of-way

Chairman Smith said there was a ditch easement all the way around.

Paul - but there is a right-of-way for people to get up on the ditch back off of the end of County Road 266 which it came off of the point of the property that these people bought right here. 30' access.

Mr. Maddox - you can go right up to your access to the ditch road and right down the ditch road.

Paul - but this is the way people have been going up there.

Mr. Maddox - I'm not stopping people from going up there.

Paul showed where the turn around was and if Mr. Maddox would take that wire fence down, people could turn around and you wouldn't have them in your yard.

Paul mentioned that at the last hearing, no gate was to be put across the road.

Marvin indicated that the turn around was needed and that it wasn't a safe situation if the truck were to back.

Roger Call - when they bought the property, there was no gate there - our access was at the other end of the property - we had a meeting here 9 - 10 months and this wasn't supposed to take place. No gate was to be put across that road. He suggested to get the meeting notes of the meeting 8 or 9 months ago.

Mr. Maddox said this was private property when the Calls bought that property.

Roger Call - no gate was to be put across that road.

Mr. Maddox - no body said anything, cause I asked.

Roger Call - let's get the meetings, let's get the notes.

Commissioner Martin asked if he had dates on those meetings?

Roger Call said either November or October of last year.

Chairman Smith said the Board always asks if it accesses other property.

Jackie Call - currently it does access their property.

King said the snow plow has been going as far as Mr. Maddox's driveway.

Roger Call said the lots on West side have recently been sold. In the meeting the Commissioners said they did not want the access blocked.

access to the ditch cannot be blocked.

King - said Marvin indicated to him that the turn around is needed and it isn't a safe situation were the truck forced to back, but he didn't say what the current practice was.

Dana Maddox said the turnaround has not been there for over 18 years.

Commissioner McCown said according to what he sees on the plat, this access is only for a ditch easement.

Chairman Smith asked King if we were going beyond the point where it narrows to 25' - we have been going at least as far as Mr. Maddox's driveway?

King - yes.

Commissioner McCown explained to Mr. Maddox that if the County does ever come in and improve that road, the County has 50' right-of-way to do it in.

Chairman Smith clarified that the Calls have not built.

Roger Call said no, we have the well and the reason they bought the property was to build on it. But if that gate stays there, what's the snow plow going to do? Push up to the gate and pile the snow up and back up - do we lose services?

King said we've been plowing it but...

Chairman Smith asked if this road was on the Highway Users List?

Paul Bagley - that turn around was in there up until just the last 10 or 12 years. It was there.

Mr. Maddox has owned the property for 11 years.

Roger Call reminded them there was not a lot of people living up there then and now you do. Now both sides of the road have been sold.

Paul reiterated there was a road allocated here, clear up to the end of your property.

Roger Call said that road in the last meeting has been decided it was not going to go away and 266 Road was going to be used for access, period.

Commissioner McCown said that 266 ends here -

Roger Call - I understand that and I've got a list here of 30 some odd names and it's closer to over 50 who use it and the wording on that gate is misleading at best; and the other point is now that you have all those people up there, what are you going to do about that County Road that ends at that gate? Are you going to put a turn around there? How are people going to get out of there? Are they going to back up into someone's private driveway? Are they going to back up that narrow road?

Chairman Smith - that's why the gate when in.

Mr. Maddox - there is a dead-end sign down there.

Commissioner McCown - the only two people to be served from this point on would be Dick and this lot and you and this lot.

Roger Call - that's correct.

Commissioner McCown - and then this access goes to the ditch.

Roger - but you are talking about 50 some odd people getting access to the ditch.

Commissioner McCown - but as far as County Road 266 serving homeowners, it would be Lot 46 and Lot 3.

Roger Call - in that meeting - 10 months ago, you're discussing how the people drive up there, they walk up there, they ride their horses and they didn't want that access blocked. So we're not just talking about just me and Dick.

Commissioner McCown - access to that ditch can't be blocked, if you have a right to be on that ditch, you can't block it. This is not the argument.

Roger - why did he put a gate there, if he doesn't want people backing up in his driveway, put the gate on his driveway.

Mr. Maddox - if I did, all the motorcycles, all the horseback riders, all the people looking to buy property up there are going to be turning around in my driveway. This is not a public road, it is just an easement and my property.

Roger Call accused Mr. Maddox of wanting to stop all people from going up there.

Chairman Smith said King was right - they need a cul-de-sac at the end of the existing County Road.

Commissioner McCown said if that happens it will encroach on Lot 3 and Lot 46 because part of it will have to go across.

More discussion.

King mentioned he was not aware of the additional 25 feet.

Chairman Smith stated this was on the original Antler's Orchard Plat.

King stated he thought the roads in the Antler's Subdivision were dedicated to only the use of the Lot owners and not to the public.

Chairman Smith - "for the use of the public forever..." It says "does hereby dedicate said all streets and roads shown on the accompanying plat for use of the public forever, and perpetual easements for drainage facilities" but this is on the one ...

Mr. Maddox said that was for a totally different subdivision.

Chairman Smith asked Don if the gate is shut but not locked but a sign saying it is private property, if you have a road easement....

Mr. Maddox said he would change the sign.

Chairman Smith said the sign should be taken down so people do realize it's not... and if we fix the turn around and get permission for a turn around that we record, why someplace at the end of what we think of as 266, I don't know what else we could do about it.

Paul Bagley said at the end of that easement there is plenty of room to turn around, all you've got to do is a truck load of gravel

Chairman Smith - that is what we need to know.

Commissioner McCown - but we go back to the purpose of that dedication of that easement and it is clearly recorded that this is for the purpose of access to the ditch only. It is not designated as a public thoroughfare for any purpose.

Chairman Smith - this one is different from the Antler's Orchard.

Commissioner McCown - whatever agreement the people in that neighborhood come to and if it's agreeable with Dick and you guys to let a snow plow go up there and turn around, we don't have any problem with it.

Don said there is a lot of dispute as to what is and isn't there and any of the parties can seek a declaration in Court as to the status of this easement and that includes the County if they want to direct that. All Don has said is his best reading of that and this carries no notes of law. You have to go to Court to get that declaration.

King added if it's not a public right-of-way, the County equipment shouldn't be there for liability purposes.

Don agreed that this is correct.

Roger Call - so if this is not a public right-of-way, then service stops at the gate and if there's not a turn around at the gate, does the service stop anyway?

Commissioner McCown said actually the service should stop at the end of the County Road and not even go to the gate.

Roger Call asked where does the County Road stop?

Commissioner McCown - at the gate.

Roger Call - so you need a turn around there.

Jackie Call - is it at the County's discretion on how to use the easement that they have already gotten there?

Commissioner McCown said he didn't think it was.

Don said if all we looking at is the plat, there are other arguments that this may be a public road, but if all we are looking at is the plat, the easement is not part of the County Road system.

Roger Call - but the use it's been for the last 25 years is that people have been riding their motorcycles, walking and their horses on that road to get to that ditch to ride other places, so the use of that has been for this many years and it might be judged also that it is a public right-of-way.

Don - and that raises another position that by "adverse use, that might be a public thoroughfare." Chairman Smith mentioned this was not a decision that the County can make.

Don - if the Board wants this for County use, the proper avenue would be to seek a declaration in the District Court that by adverse use it has been made a public road.

Dana Maddox - does that mean that this becomes a County Road?

Don said the County cannot make the declaration - the Court would have to declare it and then it would be open as a public thoroughfare and the County can maintain it if they wish.

Mr. Maddox - then they change my property lines or what happens?

Don - said if the Court enters that declaration, then yes that is what happens, that's what a prescriptive right-of-way is all about.

Mr. Maddox and the County would have to purchase that piece of property?

Don - no

Dana Maddox - it just becomes County property - we just lose that much of out lot.

Don said that's what "adverse possession" is all about.

Chairman Smith - because it has been used as a road.

Dana Maddox - but it hasn't been used as a road to be driven on - it's been used as a road....

Don - there are all the arguments that would be made to a District Court back and forth and a judge would have to decide as to who was right and who was wrong.

Roger Call suggested that the notes/minutes from the last meeting - because you are reversing a decision that you made then.

Mr. Maddox - the easement of that ditch is not a public road.

Roger Call stated he is concerned about getting service. Now he has to put in another gate, another road and has to get closer to that well on his property because of that gate Mr. Maddox put in. This road has been there and used as a road, it's not a trail, for 25 or 30 years. He accused Mr. Maddox of putting that gate up there not to keep for the ditch out, but for people who ride horseback, the walkers, and motorcycles there. They go up the canal road and walk it, drive it, for recreation and that's why he put it up. That was made clear at the last meeting. That's why you have 50 people in the room at that last meeting.

Dana Maddox the discussion at the last meeting was on what 266 really is and did not go into the easement.

Roger Call - but this was the idea for you people to get the road changed to begin with because you wanted people to quit going in front of your house period. That's all this is about.

Decision

Check the minutes of the last meeting - December 1997; and King look at this before the next meeting to see if a turn around can be put in front of that gate.

King said he could do that sometime this week. I can't build it this week, but I can make a determination.

Paul Bagley stated there was 2 -3 big cottonwood trees right there that would need to be taken out on one side of the road. So you will be in a big problem if you put the turn around there.

Chairman Smith - that's why we need King to go look.

King - said there was also a power pole there too.

Paul said that's why the road is squeezed down to 25' is because of these cottonwood trees. Jackie Call said there is also a small irrigation ditch that goes along 266. Commissioner Martin then if there isn't room, we will have to take another direction definitely. King said that Don can speak to this, but if there are easements there, and if the County wants the turn around built, the trees become County property because they are within our easement. Don agreed King was right. Commissioner Martin suggested to keep the landscape in tact as much as possible and try and work with what we have. Chairman Smith suggested that everyone try and work towards a solution that everyone can live with. King said he would come back at the next meeting with a cost and probably photographs. Roger Call asked then if September 8th would be the next meeting that addresses this? Chairman Smith said yes. A time was set for 4:30 P.M. to discuss this issue further.

### ***Mel Rey Road***

Bob Szrot gave the Board an update on the developments of the Mel Rey Road. Bob said the drainage project comes up to \$128,940. The asphalt to re-pave the drainage is an additional \$16,000 - \$20,000. A project cost of about \$149,000. Bob, King and Larry Thompson from sat down and calculated the cost breakout. That breakdown with the City of Glenwood Springs works up to be that the City is paying \$76,894 as their contribution and some of the cost of the asphalt will be covered by the utility company. What is needed is an approval from the Board to increase the cost by \$66,545 which is an over cost of \$41,000 that included additional for the drainage at \$52,045 and the asphalt at \$14,500.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to increase the amount by \$66,545.00 making a budget change order amount of \$41,000; carried.

### ***Healthy Beginnings***

Wanda Berryman said her last day with the County would be August 28, 1998 and introduced the new Director of Healthy Beginnings, Lisa Pavlisick who has been the Director of the United Way for the last two years. She has her masters degree in nonprofit management and the department is very excited to have her as the new director.

### **BOARD OF HEALTH**

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into the Board of Health; carried.

Mary Meisner and Wanda Berryman were present.

### ***WIC - Audit***

Mary said the WIC audit went well.

### ***School Immunization***

Mary also reported the school immunization program was going well. August 29th they begin the school boosters.

### ***Well-Child Clinics***

The Handicapped Children Program (HCP) Clinics are full to capacity.

### ***Fair - Public Health***

Mary reported that they had an informational booth at the Fair on August 8 - 9 and it went well.

### ***Summit Meeting***

Fliers were given to the Board and a mailing list of those invited. This is to address the access issue for low income prenatal and pediatric clients. Mary said she wrote a grant and is bringing in

a facilitator, Kathy Chandler Henry. They hope to craft some type of a regional solution to begin looking at this and what they hope to do is bring that back to the Rural Resort Consortium and present that to this Board. . This may generate another meeting from this Summit Meeting.

### ***Master Contracts***

Mary mentioned that on August 13 she attended a meeting on Master Contracts. The State is moving toward Master Contracts. In regard to that she presented a packet for Don DeFord to review. The Master Contracts concept is good news - the State is moving toward Master Contracts and it is being piloted. It is hoped that it will consist of only one contract that comes up for renewal every 5 years instead of the number of contracts that the Board is being requested to sign today. In addition, there will be a task or a renewal that can be signed by the Public Health Nurse Director if the Board so chooses.

### ***Contracts***

Don did review the contracts and she and Don had a conference with Ed Green as well and answered all the questions.

*Maternal Child Health for Nursing Salary Reimbursement* - for 9 FTE and it will pay for 16.433% of their salary. This is about \$61,596.87. This is an increase over last year's rate. Last year they only paid 15.94% so it is a better reimbursement and the language was not that different.

Mary said there was also \$1070 folded into the contract which brings the total contract amount to \$62,666.87. There is a separate contract for our child health screening which is the Denver Developmental Screening Test which they pay the County to administer that. In addition with the new director who has a degree in nonprofit management, she is not a registered nurse and they will lose funding for that position. The 9 FTE will not be there - it will be 8 FTE.

Don DeFord called to the Board's attention in the nursing contract that the County is required to give assurance the provision of no cost quality health care for children. He wanted to note for the Board the publicized issues concerning pediatric care and was uncomfortable giving assurances that this type of care could be provided. Mary provided an explanation and Don asked her to give this to the Board.

Mary stated that part of the role of the Public Health Nursing is to help assure and this is related to some of the meetings going on presently that is working on these issues. It takes an entire region and not just our community to arrive at a solution to solve this problem. The issues are very complex so the State doesn't expect the County to provide all the answers, only to help in solving and solutions.

Commissioner McCown asked if this commits the County to a fixed amount?

Don said no that it did not. Later, if and when the County has to give an actual document of written assurance of the availability of services it might, but the State is looking at this issue in the context that Mary described. Don said he wanted the Board to be aware of that within the contract. The other thing required is an audit on the terms of performance similar to the type seen recently.

Mary said they have always had audits and it is not new.

Chairman Smith mentioned that Mary comes through with flying colors.

Commissioner McCown made a motion and Commissioner Martin seconded to authorize the Chair to sign a contract with the Public Health Nursing Service; carried.

### ***EPDST Contract***

Mary requested the Board sign this contract. EPDST stands for Early Periodic Diagnostic Screening and Testing and stated it was increased also. The wages have gone up so the percentage has also. This contract amount is for \$20,532 and is an increase of \$403 over last year's contract. This requires Mary to submit a budget proposal and she included it. This pays for the EPDST outreach worker's salary, operating expenses and travel. It pays for .75 of the FTE.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to sign the EPDST Contract; carried.

*TB Contract*

Mary mentioned she needed to have this reviewed with Don and will be bringing this back next month. It is exciting that the State Health Department is acknowledging the time and effort her department has spent in this program and is also increasing the dollar amount in that contract quite a bit to \$7607.

***Healthy Beginnings***

Wanda Berryman mentioned she will be leaving on August 28 and wanted to provide the Board with an update.

Healthy Beginnings spent the last year focusing on the trials of the program and wanted to recap the year in a positive way. The most positive thing is that the budget will balance this year. The expenditures are down 15% in the general fund and down over 30% from nonprofit. The revenues in the nonprofit have been increased so they will meet the budget. It will continue to be troublesome for the new director.

Healthy Beginnings developed a partnership with Mountain Radiology and Valley View Hospital and Wanda is continuing to look at this even though they have given a reduction in lab fees, they are now considering doing this at "no cost" to their clients.

They organized a successful fund-raiser so now they are doing two.

The birth rate is down to under just 4% and last year it was over 9%.

Wanda thanked the Board for their support over the last year and said she felt fortunate to have been a part of Garfield County over the better part of 7 years and will miss working for Healthy Beginnings.

She presented the Board a check for \$10,000 that will go towards the 1997 deficit.

The Board thanked Wanda for the good job she has done.

**FINAL PLAT: ASPEN GLEN FILING #6**

Don DeFord and Larry Green were present.

Larry submitted a copy of the Subdivision Improvement Agreement and said the plat had been signed by all parties except the Board.

Don stated this filing of Aspen Glen brings us to the point where some very serious consideration needed to be given to the plat of lots compared to the capacity of the sewage treatment - Roaring Fork Water and Sanitation District (formerly the Aspen Glen Water and Sanitation District). Don stated that about 1/2 of the lots potentially platted in this Filing No. 6 would push that beyond its theoretical capacity. Larry, Mark Bean and Don have had extensive discussions on an appropriate method to assure that sewer and wastewater taps are available when building permits are requested. In all other respects except for the waste water issue, this platting of Aspen Glen is in line with all the previous ones we've seen. Larry has had discussions over the last several weeks with those representing the Aspen Glen as well as the Sanitation District and they have arrived at a mechanism and an agreement that is satisfactory from Don and Mark's prospective that there will be taps available and funded. With that Don asked Larry to explain this to the Board.

Larry said that Don was correct and this plat brings them to the stage where there is another investment in the Sanitation District required. The first thing he called attention to was that this phase did bring into play the requirement for the second water storage tank and that has actually been completed. It's in line and operational and is tucked on the hillside above County Road 109. The other issue is the capacity for the waste water treatment plant. Phase I of the waste water treatment plant was 107,000 a day which translates to approximately 356 EQR's of service. Right now there are approximately 69 EQR's of service that have been paid for by property owners with homes constructed or under construction and that includes 3.9 EQR's attributable to the Club

House that has been developed up there. If you took all the lots that have been platted in the phases of Aspen Glen up to this point, you would see that we are above, including this one, above 356 lots. Don and Larry have been in discussion about ways to guarantee that Aspen Glen, the Developer, pays to the district the money to build or builds the capacity but only when it is needed. (From an operational point of view there is a significant difference between having 60 house hooked up and actually building another 100,000 gallon per day capacity.) Therefore, the scheme suggested for the Board is this: In the service plan there was an agreement that said "the developer would be reimbursed it's tap fees for the cost of construction of Phase I of the waste water treatment plant. The Developer was to certify the cost of the Phase I construction." You divide by 356 the number of EQR's available and the result is a tap fee of \$39,000 per EQR. When a property owner within Aspen Glen goes to get a tap, that person pays the district \$39,000 and then the district reimburses that money to Aspen Glen. So simply stated, the Agreement that is in front of the Board that has been worked over with County staff, is that instead of reimbursing Aspen Glen that \$3900, the District would keep the \$3900; put it in a segregated restricted account that will accumulate as tap fees are paid and when the need for physical capacity is there, the District will thereby have the money in hand that is necessary to fund the plant expansion. That money would otherwise be reimbursed to Aspen Glen, so it is essentially Aspen Glen saying, you District keep my money now and when lots are built on and the capacity is needed, the money will be there to build the plant expansion. Don indicated that he would want the County to be a party to that agreement so if there was ever any backslide on the part of either the Developer or the District and the money wasn't being kept, as Larry just explained, then the County could step in and force this Agreement and cause the District to keep all the money. Don added that the Construction Agreement provides in no less than one year the Roaring Fork Water and Sanitation District will amend the Service Plan to incorporate the terms of this agreement as part of their financing and construction provisions in the Service Plan. This will give the document the force of law and also give the County an opportunity to review it again. With that said, Don added that the staff is satisfied that this would secure future improvements to serve this subdivision.

Commissioner Martin asked what this does to the agreements with Rose Ranch and the other possibilities of the other subdivisions around you and ability to supply them with service? Are you going to require them to pay the same fee up front? And secure that for your expansion? Larry Green said yes. The proposal that the District is operating under right now is that by virtue of this agreement that the Board has in front of them, Aspen Glen is guaranteeing that it's going to pay for a plan expansion that will bring in another 107,000 gallons of capacity on line. If the next development wants to obtain capacity, it can do it in one of two ways: it can come to Aspen Glen and say you guys have provided the County and the District with a mechanism to guarantee another 100,000 of plant capacity, we would like to buy some of that capacity from you. Then they would come and strike a deal with Aspen Glen where they buy some of this capacity. Commissioner Martin said he understood that but what about the previous agreements before this goes into effect? You have already entered into agreements saying that you will provide service. Larry - this is entirely consistent with those earlier agreements.

Chairman Smith asked about the water tank, what was done about the overflow drainage from that tank?

Dean Haas - Community General Manager of Aspen Glen answered that it comes down off the slope underground in an 18" pipe and then drops into a manhole then under County Road 109 into a lake on the golf course and then a lake at Teller Springs and then on out to the river.

Don said he had a question on the water tank - has this been conveyed to the District?

Larry said no because it has just been completed within the last two weeks. What they need to do is another bill of sale conveying this newly completed tank to the District.

Commissioner McCown made a motion and Commissioner Martin seconded that the Chair be authorized to sign the final plat for Aspen Glen Filing #6; the amendment to the Construction and Reimbursement Agreement as presented before the Board today and the SIA;

Discussion

Don DeFord asked if the Clerk still needs to hold this pending receipt of appropriate certification of security.

Larry said yes, they have \$20,000 plus in security that needs to be posted and this will be done in cash; the school district fee that needs to be paid; and the District has authorized the president to sign this agreement but it hasn't been signed pending this hearing today so a signature copy is needed for Aspen Glen and the District to sign. If the Chair will sign then it can be attached and a fully executed copy for attachment to the SIA for recording.

Don asked that the motion include that prior to recording the Clerk hold the final plat and SIA pending receipt of all executed documents and receipt for payment of school district fees and cash security.

Commissioner McCown amended his motion to include that. Commissioner Martin seconded the amendment.

Vote - motion carried.

### ***Annexation Plat - Savage***

Mark presented the Annexation Plat and said that City Council has not signed off. This involves County Road 293 being annexed.

Don said as the petitioner, the County is required to sign the plat before it goes to City Council.

Mark stated there was a portion of County Road 293 that is being annexed. The County's position is to encourage the City to take in the affected roads.

It was determined that it was a small portion of County Road 293.

King said this will need to be added to the winter maintenance agreement with the City of Rifle.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign by Martin McCown - carried.

### **PUBLIC HEARING: ADOPTION RESOLUTION CONCERNED WITH ADOPTION OF PERMITS AND FEES FOR USE OF COUNTY ROADS BY OVERSIZED VEHICLES, AND CLOSURE OF COUNTY ROAD**

Don DeFord and King Lloyd were present and stated they had received comments.

Don submitted some alterations which were submitted by the State and these were discussed.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the resolution adopting the overweight/oversized permitting resolution with the changes as addressed; carried.

Don stated this will take effect on the signature of the Chair.

### ***Chelyn Acres - Wagner***

King submitted copies of a letter from Vance Wagner - Chelyn Acres regarding his requirements to mitigate the encroachment.

Don stated that Mr. Wagner set a time frame in which he expected a response. Don's reaction is that this didn't allow the Board enough time to discuss it and property respond. Therefore, Don asked authority from the Board to send a letter to Mr. Wagner saying the Board was considering your request and need more time to reach a conclusion and perhaps set if for further discussion with Mr. Wagner on September 8. Or the Board can give directions to King and Don on how to proceed.

Chairman Smith commented that what Mr. Wagner presented to the Board and what he would consider and wrote in his letter are two entirely different things.

Don agreed and this is why he proposed a meeting.

A date and time was set for Sept. 14 - 2:30 and Don requesting a time to discuss this with King and the Board on September 8.

### ***Grand Valley Citizens Alliance***

Gene Park stated he represented the Grand Valley Citizens Alliance in regard to the motion passed by the Board for the permitting process. What were the monetary provisions that were changed?

Commissioner McCown read into the record "the amount per permit went from \$5.00 fee now \$8.00. Oversized permit for overweight \$15.00; Overweight permit single trip \$15.00 plus \$5.00 an axle; and Special permits for vehicles exceeding 200,000 lbs. \$250.00 plus cost for any extraordinary measures requiring County expenditures. And for bond purposes - at any time the cost to rebuild a chip and seal surface is approximately \$44,000.00 per mile and \$145,000 for asphalt mat and \$10,000 for re-gravel. The bond amount was increased to \$500,000 and originally it had been \$100,000 limit.

### ***Combined Meetings***

King included in his report a letter from Trappers Lake Lodge and reminded the Board of the pending meetings with the other County Commissioners from Rio Blanco.

### ***Bid Documents - South Canyon Bridge Repair***

King mentioned he had the bids out and will be opening these and bring the recommendation back to the Board on September 14 for an award.

### ***Baxter Pass - Natural Gas***

King mentioned he had received notice of activity in the Baxter Pass area for natural gas.

### ***Sanding Materials***

King followed up from the last meeting regarding different considerations for sanding materials and did not have any new information as the crushing operations have not responded to his requests.

### ***Canyon Creek - Update***

King said the tractor and blade is cleaning up the mud flows from the flash flood.

### **PUBLIC HEARING: PLANNED UNIT DEVELOPMENT FOR ZONE DISTRICT TEST AMENDMENT - SECTION 4.08.05(7)(f) and 4.09.01 OF THE GARFIELD COUNTY ZONING RESOLUTION OF 1978 AS AMENDED**

Don DeFord and Mark Bean were present.

Don determined that adequate notification was given and advised the Board they could continue. Chairman Smith swore in the speakers.

Mark presented the following Exhibits: Exhibit A - Proof of Publication and Exhibit B - Memo to Board of County Commissioners from the Planning Commission Dated August 11, 1998.

Chairman Smith admitted Exhibits A & B for the record.

Mark read into the record a letter from Eric McCafferty and asked that it be entered as Exhibit C. Chairman Smith admitted Exhibit C for the record.

Mark stated that the Board of County Commissioners referred a proposed amendment to the Planning Commission that would reverse the previous amendment to the PUD regulations regarding "legal access" to a proposed PUD. This proposed change would remove the previously approved language and revert back to the previous language. At the July 8th Planning Commission they recommended approval of the proposed text amendments. As with past proposals, the language in *italics* is to be deleted from the present regulations:

4.08.05 (7)(f) Easements showing vested legal access for ingress and egress from a public road to a PUD ***and/or documentation demonstrating that access will be acquired across a public right-of-way or easement within two (2) years of any PUD approval and said access will be vested prior to final platting of any property subject to the easement across the right-of-way; and***

#### 4.09 DEVELOPMENT IN STAGES

4.09.01 The applicant must begin development of the PUD within one year from the time of its final zone change approval provided, however, that the PUD may be developed in stages ***and the Board may approve the commencement of development activity beyond one (1) year consistent with 4.08.05 (7)(f) of this resolution.*** The applicant must complete the development of each stage and of the PUD as a whole in substantial compliance with the development schedule approved by the County Commissioners. ***In no case shall commencement of development of a PUD be extended beyond two (2) years from the original date of approval by the Board of County Commissioners.***

Staff Comment: At the time this language was changed, staff did not concur with the proposed change for a number of reasons. Should the County be approving PUD's that do not have proven legal access for the proposed uses? The Comprehensive Plan was developed prior to the acquisition of the railroad right-of-way and the possible limitations or modifications of access were of record.

Discussion was held among the Board members.

Public Input included:

*Jim Lockhead* - representing Sanders Ranch Holdings said he was in a large degree of confusion with the proposed change and described Sanders Ranch Holdings as feeling very much like a ping pong ball which is about to whacked back to RFRHA. The change that is proposed is not something where there has been a demonstrated problem and in fact if it is adopted feels it would create significant problems for Sanders Ranch. By adopting this proposal, they are putting Sanders Ranch into a Catch 22 position between RFRHA and the County as to which approvals are required by whom first. Not knowing the type of development being proposed, there is nothing for RFRHA to look at. Practically, in terms of the County's planning codes and what makes sense in terms of what is before the Board in any given application, it seems to him that the potential problems with TeKeKi and the time limits raised in Eric McCafferty's letter is taken care of in the wording of the existing regulations as they are set now. The problem has not been identified. There are other requirements in the County regulations and this is not required in other re-zonings. Also the PUD regulations do not require that you have a vested water supply, nor a vested right for sewer system established, nor all the off-site easements for water, sewer, and utility pipelines and it seems to him that access is in the same category. Eric McCafferty's letter raises a number of issues that he feels are some uncertainties and what he calls a "moving target" if the regulation is not changed. Again, he stated he feels this can be handled under the existing regulation i.e. an application would come in with a PUD Plan, they would show a proposed access location, the physical issues associated with that access could be addressed, the traffic issues with that access can also be addressed, the approval by definition is contingent on acquiring access before any subdivision or lots are sold. If that access point changes or anything else, then the developer would have to come back and amend the PUD Plan. Therefore, he didn't feel like it was a moving target at all by regulation as it is worded right now. If the Board does change this as proposed by staff, you are knocking the ping pong ball back to RFRHA and really delegating the land use responsibilities to RFRHA because it forces Sanders Ranch to go back and deal with RFRHA. There may be an access point that doesn't fit with the PUD Plan that you might approve and then that would create the need to come back here again. Really, they are asking for a set of rules to live by and this is an inadequate and unfair rule and requirement and do not see any reason that it needs to be changed.

*Mark* said in terms of other re-zonings, Mr. Lockhead is correct as there is no specific requirement to prove legal access, but arguably at the time of a rezoning this could be a basis for denial, but the regulation as it is now written, there really is no basis for denial based on an applicant not having a legal access. Typically a rezoning goes through three basic questions: 1) the original zoning was in error; 2) there's been a change in circumstances to justify the change in rezoning; and 3) or in the comprehensive plan is a forced rezoning. These are the three basic

criteria. From a staff point of view this is correct that there is no specific requirement for access to another type of rezoning but it also could be used as a basis if chosen for denial whereas in the present language it doesn't provide that opportunity if that's the case.

*Jim Lockhead* - again argued that a PUD is being held to a higher standard and a requirement saying you will get access within a two year period, and this is a demonstration that in fact you are going to proceed to do that. There was a memo that isn't part of the Exhibits but a Planning Commission Memo July 10 where issues of "taking" were raised and part of the basis that Planning and Zoning considered. Jim said they do not feel there is a "taking" issue associated with the existing language.

*Mark* - said this was brought up and staff is not raising this issue. It was brought up and covered in the Planning meeting by legal representation from Sanders Ranch as being a non-issue. Staff acknowledged that those statements were probably incorrect and in discussions with the County Attorney's office determined it was not a part of this decision.

*George Hanlon* - added that staff did not retract that statement, Don DeFord said it wasn't an issue; however it did influence the decision of the P & Z and one comment was that it could potentially create a lawsuit the County would have to fund.

*Mark* - reiterated that the Board makes the decision.

*Brad Hendricks* - There is an issue here in TeKeKi regarding the ability to sue for access. In the current wording - this allows for the condemnation for access. The current wording depending on what the Board has for pre-approval, and if the PUD was hinging on access then he thought access could be pursued through a lawsuit.

*Jim Lockhead* said there is a lawsuit between RFRHA and Sanders Ranch regarding the access. That access in the lawsuit is necessary for existing zoning. If the County wants to, by changing its land use regulations, give potential leverage to RFRHA in that litigation then he felt they should be up front in that.

*Chairman Smith* said that what was in front of the Board today, was the exact wording on the books until the Board amended it.

Mark confirmed that was correct and it was a matter of going back to what was in the books in 1997.

*George Hanlon* - reiterated that he does feel like a ping pong ball. He came to the Board 1 1/2 years ago and expressed the problem. At the Board's direction he went to P & Z and spent 4 months with P & Z. He said he sees in the staff comments that P & Z objected to that process and when it was finally approved unanimously by the P & Z they objected yet he never saw any staff comments negative that came to the Board. As it relates to condemnation, Colorado as a State can condemn a right to access. TeKeKi did not choose this route as they didn't want to pay the price, but if he decides he needs a 50' right-of-way or a 100' right-of-way, first he has to prove that he is in need of an access and secondly there is an evaluation process that establishes not only the value of the land but any devaluation of adjacent property - which he also has to pay for. So if in fact he wants to free up private land for access, he would have to pay for it. The County regulation suddenly trying to say well we don't allow that is totally in opposition to the Constitution that it is a right for the private property owner to condemn away or condemn access for their property. Therefore, he has a right as a property owner in this State if he is landlocked to condemn access.

*Mark* - responded that during the discussions, first off the 1997 changes were significant in the number and types of issues discussed - this was one of those discussed. Overall changes to the PUD regulations were significant and included a number of different ones. This is one of the issues that staff did not support.

*Walt Brown* - commented that he was in favor of the Board passing the proposal. He said he had read Eric McCafferty's letter and concur in all respects. The language being deleted in this proposed action today says that you have to document - "documentation illustrating that access will be acquired..... within 2 years of PUD approval. It goes on to say that the access will be

vested." There is quite a time frame included. On Constitutional Rights Walt said he didn't think Mr. Hanlon's rights were being abridged. The overwhelming issue that, after everything is said and done, if the regulation stays at it is, he thinks the Board will be embroiled in every access issue of every developer. Access is a basic thing and whoever is developing should come before a public body with access in hand. He therefore supported the action and encouraged the Board to approve the language proposed.

*Don* explained that the language and the purpose for it originally was directed at the railroad right-of-way. The Board also needs to keep in mind that they have other provisions in the PUD regulations they are not considering today that require the consent of the landowner prior to submittal of a PUD and when you look at the language as it currently exists and compare it to that requirement there really is a conflict. RFRHA is a landowner and whether it be for the Sanders Ranch property or any other property owner along this right-of-way to the extent that a PUD proposal requires use of RFRHA property as part of the PUD proposal, you really should have the consent of the landowner. So to the extent that it bounces it back to RFRHA, the landowner whose property is proposed is to be included in the PUD.

*Jim Lockhead* said this is still confusing and it would seem to him that RFRHA is an adjoining landowner and not a landowner within the PUD of whose consent would be required and it seems to him that if this is the County's position and an off-site adjoining landowner consent is necessary for an off-site easement, then what you are doing is giving the adjacent landowner veto authority over easements that are acquired for any off-site infrastructures necessary for development.

*Don* had comments - he said first of all RFRHA is an adjoining landowner to one extent but to the extent you are going to propose to use their property for a road that's within the PUD, that road is part of the PUD - it is included in it; secondly, off-site improvements - the Board does require the consent of owners for off-site easements. This was included in the Sanders Ranch project where their proposed infrastructure was to cross private property for easements.

The Board determined that all public input was obtained.

A motion was made to close the public hearing by Commissioner Martin and seconded by Commissioner McCown; carried.

#### ***Executive Session - Legal Advice***

A motion was made to go into an Executive Session to obtain legal advice by Commissioner McCown and seconded by Commissioner Martin; carried.

A motion was made to come out of Executive Session by Commissioner McCown and seconded by Commissioner Martin; carried.

*Commissioner Martin* said he was the one that debated this issue and requested the Planning Commission to review their change in wording; this came back to the Board, staff supports it; so he made a motion to go ahead and to accept the approved version of Planning and Zoning and staff in front of the Board changing it back to the original wording for Section 4.08.05 7F and 4.09-01 PUD Text Amendment. Commissioner McCown seconded it only for the purpose of discussion.

Discussion

*Don DeFord* stated the Board needed to include their findings in the decision.

*Commissioner McCown* said that he doesn't feel that the situation has changed since we accepted this regulation. He said he didn't feel that the County is being put in jeopardy; there are dates certain included in the resolution and these regulations and he remembered the reasons for the Board doing this - it hasn't been that long ago. We did it for the specific purpose to allow an individual to proceed with the process rather than wait on a two year or lengthy comprehensive plan and we knew full well with the conditions listed here. We felt comfortable with it at the time and everyone had an opportunity to review it and he still does feel comfortable with it.

*Commissioner Martin* -said he would have to comment that he never felt comfortable with it; that he debated with this issue; he even mentioned that it was the wrong move in legislation to go ahead with this; he compromised himself because there were many other issues in the changes of the PUD proposals and believed those were very important; and he indicated he would like to discuss this further and so he did and there has been a great deal of debate in the Planning Commission as well as this Board; this change and the request change is not directed toward any individual or any individual subdivision or PUD. What it amounts to is that we are trying to keep our rules straight forward, simple and a level playing surface. What it amounts to is he thinks it compromises the County's position and puts the staff in a difficult position in trying to interpret and wait for either a lawsuit to be resolved or to wait for a two year period of time, and allow us too much flexibility and change; and also adds to the cost of the PUD, if the access can not be acquired. That means there has to be a change in the PUD. So we continue the process. It's expensive for the applicant; it's expensive for the staff and our time. Access if one of the clearest things that has to be presented on any land use issue. If there is no access we should not go forward. We should secure that access and then move forward with our plans. We can talk about it and put it out there but until we secure access it really is just a dream. To start reality and start the process we have our access and know we can get to our property and develop what we dream. This is why I proposed that we go back and re-visit this and he things it is just impossible to really evaluate, truly evaluate what can happen in a PUD if we don't have access.

*Chairman Smith* - said that she does agree with Commissioner Martin with access and thinks that we do need to know that we have legal access from a public road for a PUD. PUD's were set up to be able to .... (Eric did address a point - "PUD's were set up for a higher standard with encouraging innovative planning and land use".) She agreed to go back to make this as tight as possible. This is not just about Sander's Ranch - this is not her concept. Access is in the forefront of her mind since we have spent an hour or more discussing access today in an earlier dispute. These can be very emotional issues.

Discussion included the fact that neither Chairman Smith nor Commissioner Martin were talked specifically about Sander's Ranch. They reiterated this fact several times.

*Commissioner McCown* added that he didn't see how the Board could say they weren't talking about Sander Ranch because this very wording was changed at Mr. Hanlon's request to allow them to proceed with this development while RFRHA was deciding what they were going to do and how they were going to control the land in our valley.

*Chairman Smith* agreed that it was, but it has broader implications all up and down the valley and that was the point she was trying to make.

Commissioner Martin reiterated that he made comments that it wasn't just about one PUD or one application, what it amounts to is that we have numerous one that the Board will be considering in the future and need to be prepared for that. We need to take the lead on our own land use, make the decisions and others can put their rules in place because ours are.

***Findings:***

*Don* said that each Commissioner has stated their positions for those opinions, I would think at this point that Mark could prepare findings.

*Mark* agreed he could.

*Don* added if the Board could provide in their motion to give directions to the staff to prepare a Resolution consistent with these statements of the Board and then bring that back to the Board for review.

*Commissioner Martin* said he would go ahead and amend his motion to include that.

*Commissioner McCown* - amended his second.

Vote on the Motion:

Smith - aye; Martin - aye; McCown - no.

A date and time was set to consider the findings. September 8 was set at 10:00 A.M.

***Aerial Photographs - County Road 109***

Discussion was held as to which department would be charged with the cost of the aerial photographs.

Chairman Smith said it would be under Road and Bridge.

***Executive Session - Personnel (Three Issues)***

Mark Bean, Ed and Don requested an Executive Session to discuss various personnel issues.

Ed Green, Mark Bean and Don DeFord remained.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

***Action***

Commissioner McCown made a motion and Commissioner Martin seconded to grant the request for the salary of \$35,850 to retain a Senior Planner for Building and Planning; carried.

Commissioner McCown made a motion and Commissioner Martin seconded to process applications for the Administrative Secretary's position both internally and externally for 5 days; carried.

Adjourn

Attest:

Chairman of the Board

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SEPTEMBER 8, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, September 8, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green; Assistant County Administrator Allen Sartin; County Engineer Bob Szrot; and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

*Veterans Services*

Chairman Smith stated that she had received a letter from the Veterans Services mentioning the excellent job that Joe Carpenter is doing for the County. She added that a copy would be placed in his personnel file.

**COUNTY ADMINISTRATOR**

Ed Green gave his report that included:

*Strategic Planning Meetings*

Ed mentioned he had the first strategic planning meeting. Strategic staff meetings will be held biweekly and the addition of the Board of County Commissioners will be later.

*Update - Maintenance - Taughenbaugh Building*

Guy Meyers and the Sheriff's Workenders are doing the work at the Taughenbaugh Building saving approximately \$30,000. The bids were canceled.

*Salary and Benefits*

Renea Bugg LTD. mentioned the possibility of the long term disability having an 18% increase of \$8754. Renea said we can alter that if some changes such as if there was more time and more carriers that could be contacted. Ed recommended continuing with it and the first of the year to do a salary and benefit survey involving comparisons with the counties that are comparable and businesses in the area.

Ed mentioned that the Health Dental and Life are up 19%.

Chairman Smith indicated this was not finalized.

*2000 Year Software*

Ed reported the assessment was complete and found that the Assessor's system is not compliant; nor the Treasurer although Georgia has in her budget for an upgrade. Recording in the Clerk's office is compliant; accounting is not.

Further Ed stated there are 110 County computers - 31 are not in compliance. Allen will ensure that these will be up to date. The dollars will be reflected in the 1999 budget.

*Communication System*

Dale Hancock and Doug Weller met with Ed on the Communication System requiring a few truck lines. Cost is nominal. Doug will provide a pictorial to evaluate those needs. Allen and Ed will review and make it a most cost effective update.

### ***Organizational Work Charts***

Ed submitted a detailed organization flow chart showing the department heads, staff, elected officials and the decision making and communication within the organization. He added that eventually a work chart for each department will be included showing how each employee fits into the big picture.

Dale Hancock is the team leader for the traditional administrative functions and Mark Bean the new team leader for the traditionally operational functions. Areas of Social Service and Public Health will continue to serve as the team leaders in their areas.

### ***Fairgrounds***

Bob Szrot will be going to Walden and obtain drawings and information in preparing for the Covered Rodeo Facility at the Fairgrounds.

### ***Glenwood Library***

County Engineer Bob Szrot met with Rifle Correctional regarding inmates to provide the labor for zero scaping at the Library. He also met with the Library Board.

Bob said he met with Larry Thompson City Engineer. At that time the schematics were submitted. No permits were needed but once the plans are firm, Larry will run the plans by City Council. Jackie Sphuler told Bob to keep in mind with the landscaping that typically in the summer for the school reading programs an attempt is made to have these children get outside.

### ***Energy Impact Grant***

Ed spoke to Tim Sarmo of the Department of Local Affairs and obtained a commitment for up to \$1,000,000 for the jail when a site is selected.

### ***Reudi Dam***

Ed and Guy Meyer had discussions regarding the need for improved communications as related to Reudi Dam and emergency measures.

## **ASSISTANT COUNTY ADMINISTRATOR**

### ***Budget - Update***

Allen Sartin stated he has been working with the elected officials and department heads in having them supply the preliminary reports. He indicated that these were very different, detailed, and required a lot of work by the elected officials and department heads.

Allen mentioned he was working on the expenditure reports and non-personnel data and has been inputting this into his process reports.

Additionally, Allen reported he had completed a preliminary revenue report.

Those yet to submit these preliminary reports were named and Allen indicated this is a very important issue as it makes the budget process behind schedule. This list included: Assessor; Clerk, Commissary and Inmate Fund in the Sheriff's budget; Extension and Fair; Fairgrounds; Coroner and County Surveyor; and Public Works/Landfill.

Allen said because he is not getting the data in he may need to adjust the schedule. However, those that have submitted the reports will start next week with the meetings with the Board. The late folks will be scheduled for the following weeks. As the reports are late, the quality of the submittal to the Board will be less.

Commissioner McCown said he was concerned about the Public Works budget and that was basically the only one they had any control over. In the past, numbers have been plugged in and that has delayed the process until the first part of December. They did not want that occurring this year.

Allen mentioned that a lot of departments relied on Chuck to do the budget process for them. However, Allen is training those who need help with the budget process as it is very detailed and different than anything they have had to do in the past years.

The Commissioners mentioned they are pleased about Allen's in-depth process.

#### *Additional Budget Costs*

Allen mentioned there was a number of one-time budget items such as personal computers, the jail, and health insurance increase. That health insurance is estimated at \$235,000 at present. Chairman Smith mentioned there is a 20 to 25% increase nationwide but the contracts will be out next week and the numbers can be finalized.

#### *Computers - Uniform Agreement*

Commissioner McCown mentioned having the computers compatible so the different departments can interrelate.

Allen stated this was his desire and had planned to give the Assessor and Treasurer some standards he would like them to meet.

Mildred submitted her budget information to Allen saying she had completed it over the weekend.

#### **PAYMENT OF BILLS**

Barbara submitted the bills. Allen stated someone from the Accounting will be handling the submittal of bills in the Commissioner's meetings as they were more familiar with them and could better respond to questions from the Board.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the bills and payroll as submitted; carried.

#### *Coroner - Forensic Pathologist*

Chairman Smith asked Ed to follow up with the Coroner on the possibility of having a Five County funded Forensic Pathologist. Last year during budget hearings, Trey Holt had mentioned a retired military person who may be interested in moving to this area to provide those services.

#### *Emergency Management*

##### *Annual Program Colorado Office of Emergency Management*

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the annual program paper for Colorado Office of Emergency Management; carried.

#### *Letter - Colorado State Employees' Credit*

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorized the Chair to sign a letter to the Colorado State Employee's Credit Union regarding Garfield County Commissioners authorized to open an account; carried.

#### *Project Agreement with Forest Service - Trail Work on CR 241*

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a project agreement between Garfield County and the Forest Service regarding trail head work on CR 241; carried.

#### *Work Chart Discussion*

Ed mentioned that he needs to make a revision and will submit this within the next week.

#### **JAIL DISCUSSION**

Sheriff Tom Dalessandri, Don DeFord and Dale Hancock were present.

#### *Jail Count*

Total in Jail: 121. 37 main jail; 29 Work Release; 10 females; 7 Home Detention; no Day Reporting; Workenders - no report; State Hospital - 1; DOC - 4 and other jails - 37. Tom said that Summit County is where most of them are being housed; rates are up to \$60 per day. Ed spent the last couple weeks working with Tom Dalessandri, Bob Szrot and Carol McNeel discussing the provision of space for the Sheriff's department to hold drug and alcohol arrests. Those should be contained in the existing jail.

### ***Sheriff's Staff Accommodations - 3 Scenarios***

Ed gave the three scenarios: 1) lease or buy a temporary modular to house the seven staff members of the Sheriff's administrative staff and place the structure on the UPL site. Tom reviewed the contacts he made during the search for a modular. Rocky Flats - none available and projected a 3 - 6 months wait; Department of Corrections - no; and the quotes of 1 year lease with the set up came to \$61,286. The highest cost would be \$203,000 for 5 years. 2) Lease office space. The minimum space allotment would be 2750 sq. ft. and 1301 Grand is the only available space. This would be \$20,000 rent plus approximately \$53,000 for the first year. The cost for this would be \$185,000 over a period of 5 years. Further it is a basement and there is no visibility; and 3) Move Extension to at temporary site and move the Sheriff into the newly remodeled Extension space. The dollars would be nominal.

Bob, Carol and Ed looked for space for Extension in Rifle. At the Gun Barrel site the cost would be \$11,504 for 1 year and inclusive of \$2,000 for remodeling.

The 3rd scenario is by far the least cost to the County as within a year the Extension would be moving into the indoor arena. This is preferred for Ag Extension as it gets them closer to their customers. Ed said they could have a place for Ag Extension in the Courthouse for 1 -2 days a week.

Therefore, Ed said their recommendation based on the evaluation of these three alternatives, is the least cost one - the 3rd scenario.

Discussion was held

The Board suggested they not look at a one-year temporary.

Carol mentioned the Gun Barrel is the next best; they would prefer a modular first on site at the Fairgrounds was their first choice.

### ***M-1 Holds - Financial Assistance - City/Town***

The Board inquired as to Tom receiving any assistance financially with the M-1 holds. Tom said this has to go to City/Town Councils. Statutorily the burden lies with the County Sheriff.

Don stated that for those that are intoxicated and also arrested, if no other site is available, the jail can be used but only for 24 hours.

Commissioner McCown preferred the Administration to pursue the 3rd option.

Chairman Smith mentioned she was reluctant in moving Extension.

Commissioner McCown wanted to continue to pursue the modulares for future use.

Ed agreed.

Commissioner McCown made a motion and Commissioner Martin seconded to pursue the modulares for Extension for a year/lease.

Chairman Smith mentioned she was reluctant, but voted yes. Martin - yes; McCown - yes.

### ***Work Release - Numbers Available for Useful Public Service***

Chairman Smith inquired if Tom was keeping enough work release population in town to complete the needs.

Tom indicated there are times when there are none available; Weekenders are available; but the ones that are not employed are being moved to Summit.

### ***Jail - Direction***

Dale presented the URS cost projection on the UPL site and the modified report on findings at the Hollenbaugh property provided by Walsh Environmental.

Dale requested a time be set on the September 14 agenda to discuss this further and obtain direction.

A date and time was set for noon on September 14.

#### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

George Wade and Larry Wade - WW Stagelines out of Grand Junction were present and presented the possibility of offering valley wide bus service from Parachute, stopping in Rifle, Silt, New Castle, Glenwood Springs and Carbondale to Aspen where businesses need workers to fill service jobs.

In connection with this possibility, Terry was seeking a letter of support from the County Commissioners to go to the Public Utilities Commissioner (PUC).

The background of these brothers was reported to be in offering commuter service to Cripple Creek, Golden - Black Hawk; however, for the past two years they have been requested to consider a shuttle service from Aspen to Parachute.

George added that Aspen is willing to reimburse employees at least 1/2 of the fare which is tentatively set at \$15.00

George added that things like the time schedules have not been finalized, however they envision one bus to arrive in Aspen by 7:45 and another for arrival of 7:45 A.M. in Glenwood.

Conversations have been held with Tom Beard of Battlement Mesa, City of Rifle and the City of Glenwood Springs.

A copy of the survey report was submitted.

The time frame for having this service operational is October 1st.

A motion was made by Commission Martin to send two letters of support to the PUC on Wade's idea. Commissioner McCown seconded; carried.

#### ***Canyon Creek Local Improvement District***

Don DeFord, Mark Bean, Attorney Russell George Counsel for Canyon Creek Homeowners Association and Carl Smith representing the Homeowners were present.

Russell George presented that they were here to present the last few bits of information as they try to finish the road project and tie up some loose ends as well that have evolved since the beginning of the development. He added that the homeowners appreciate support on the bond issue and they would like to finish the upper road this season. In respect this, they have been negotiating with the developers on the cul-de-sac.

Carl Smith showed the Commissioners the map that have the specifications for the upper road. Russell indicated the last stretch was not completed according to expectations and there was some doubt about specifications on the cul-de-sac. At one point, the Board of County Commissioners on July 3, 1995 said they were going to end the quarreling and approved Resolution 95-049 that was concerned with vacation of the final plat for certain lots on the Canyon Creek Estates PUD final plat. The focus here is the Resolution and what it said, "that the road wasn't completed as we expected and therefore, no building permits will be allowed on last 2 lots until a new agreement and do something about these improvements." Russell stated that all that was left was what to do with the cul-de-sac itself. The drawing presented shows an alternative. An on-site visit will reveal that the terrain does not support the 50 ft. radius cul-de-sac. On the north side the boundary is way up a hill, a steep cliff leading into the front yard of Mr. Cieczczak house. The south side goes down in the driveway almost into the garage and front door of Ms. Johnson's house. So it does not make any sense now to require any kind of construction of the cul-de-sac out into those limits. So they looked at the point and purposes of the cul-de-sac and there are two: 1) to allow people to reach their property that bound the end of the road and 2) the safety feature of what to do about fire trucks. They went to the fire chief and asked him for the specifications for turning around their largest equipment. The map indicates those findings and a letter was submitted that explains in detail. Don said that he and Mark have spoken to

representatives of the Homeowner's Association as well as discussing this with Russell George. This is a matter for Public Hearing and should be considered after proper notice.

Don added that the problem is twofold from the staff's perspective: 1) we have an existing Subdivisions Improvement Agreement that specifies certain improvements and 2) the request is to construct improvements that do not agree with Subdivision Regulations. This can be done but it has to go through a public hearing because you can grant the waiver from your Subdivision Regulations only through a PUD process, otherwise there is no provision for that.

Commissioner McCown commented that they would be out of the construction season.

Don stated that Russell is offering a new agreement to complete the improvements.

Russell debated the need to go in and do an amendment on the plat and again stated what they were offering which provides all the needs that would be required in a cul-de-sac. He said he hopes they do not need to go back and redraw the plat and go through all the technical aspects. He asked that they could satisfy all the requirements of the Resolution 95-049 with what has been proposed; to put it on one of the Commissioner's agendas and issue a correcting or amending or subsequent Resolution that states this is the new agreement and the Board accepts it as meeting all safety requirements and we can go ahead.

Don stated there were two issues going on here and if all that was being discussed were specifications and variance from the final plat, he would agree that it would not be a public hearing matter and that it could be renegotiated and the Board could agree. However, the issue is really a variance from the Subdivision Regulations themselves and specifies a right-of-way width and a paved area of 45 feet. That does not mean the County always requires that in the context of the PUD, many times they don't because of a PUD process they specify that there can be variances from the Subdivision Regulations, in this case that hasn't been done yet. This is issue that Mark and Don discussed with representatives of the Homeowner's Association.

Mark stated the specifications were under the old regulations requiring a 45 ft. radius.

Russell argued that the point is that it is a PUD which allows flexibility based on terrain and other realities. If there is a technical, legal problem in deciding what authority this Board has to amend, by Resolution, the previous agreement then that should be discussed. However, in a PUD you have the authority to waive strict compliance with the present regulations and this is what we have here. no dispute to what they are doing. Russell summarized that for the first time in the history of the Canyon Creek Estates Homeowners everybody's pulling the same direction. We now have the wherewithal to solve all the last problems.

Don said he agrees with Russ on this, PUD's do allow for that. The Board has to take this action. Discussion was held

Chairman Smith asked exactly what does the Board need to do? This needs to be amended, correct?

Mark said yes, that has been the issue from the beginning. The County is being asked to administratively take this action and the County does not have that authority.

Chairman Smith - so it requires going through a public process?

Mark said that is correct.

Commissioner McCown asked if they could start building before we go through the public hearing process.

Don stated they can build, but they take the risk that the Board will not go forward and approve a variance from the Subdivision Regulations if they do that. If they want the vacated plat reinstated and recognition that is complies with the County's Subdivision Regulations, then they have to go through the public hearing process.

Commissioner McCown said that what he was hearing from Carl Smith and Russell George today that there wasn't any dissension from the Homeowner Association with this action.

Carl Smith said there were 14 pieces of property on this road and 11 homes constructed. The road is deteriorating significantly and it will be a real problem before next Spring. Ms. Johnson and Mr. Cieczak were present in the audience along with other homeowners.

Chairman Smith clarified that this would not be part of the original bond issue. Carl stated they negotiated with the Homeowners and there is a three-page contract Russell has negotiated and has a commitment to sign. The only hang up is the Homeowners Association will pay out of their own funds, then the road cost could be reimbursed when it is completed and the two lots are reserved. At that time the developer will return approximately 80% back to us. Chairman Smith reiterated that the two lots held back would be included in the approval and become a part of this PUD, Lot 34 and Lot 15.

County Engineer Bob Szrot has looked at this and from a technical point of view he is not comfortable. He mentioned an alternative that would cut into the north and he needs to check some radius tables. He drove up and looked at it and said if we kick the cul-de-sac over to the north and make it wider, then what he's afraid will happen is if you get into an emergency situation with a vehicle and he doesn't feel comfortable with the turn around. He suggested at Lot 34 there is a fire hydrant and then a Cedar off of Lot 31 where if you dig into the hillside a bit onto Lot 34 and put in some rip rap, this solution could be solved. Bob said he felt he would require either a rip rap or a stem wall somewhere in the neighborhood of 4 ft. high.

Russell George asked for the Board to pick a date and they will not come back unless there is an understanding with the County Engineer that says this plan will work that he has just outlined. Chairman Smith asked if this had to be referred to the Planning Commission.

Don stated in the past when applicants have asked for a waiver of the Subdivision Regulations, the Board has treated it as a major amendment and mentioned Westbank Mesa. However, this decision is with the Board.

The Board decided they could hear it and set it for October 12 at 11:00 A.M.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to set this on the agenda as Canyon Creek PUD Amendment for October 12 - 11:00 A.M.; carried.

#### ***Status of Roads - Sierra Pinion - Porter***

Set for next week - September 14 at 5:30 P.M. as an Executive Session.

#### **COUNTY BUSINESS - EMPLOYEE OF THE MONTH**

Lisa Gunderfielder was named the employee of the month for September.

#### **CONSIDERATION RESOLUTION AMENDING 4.08.05 - 4.09-01 ZONING RESOLUTION**

Mark Bean and John Barbee were present.

Don has reviewed the Resolution and has no concerns as far as the language is written. This is the Resolution amending the PUD regulations basically to revert the language back to the original language regarding access and legal access to a Planned Unit Development.

Don reviewed the minutes and stated the Board does need to review this Resolution to make sure the findings as set forth in it accurately reflect your position. The direction you gave to staff was to prepare a Resolution conformed to your findings so you could review it.

A motion was made by Commissioner Martin to approve the Chair to sign a Resolution amending the changes in the zone text titles given for Planned Unit Development for access - titles 4.08.05 (7)(f) and 4.09.01 of the PUD regulations. Commissioner McCown seconded. Vote - Smith - aye; Martin - aye; McCown - aye.

#### ***New Employee***

Mark formerly introduced John Barbee, Senior Planner.

Mark Bean, Victoria Gianolla, and John Barbee were present.

John Barbee presented the following for the Board's decision as to hear it or send it to the Planning Commission.

#### ***SUP - Accessory Dwelling Unit for Mother-In-Law - Ehler***

The Board stated they would hear it.

***SUP - Allow Outdoor Storage - Buckey Arbaney***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer the Arbaney SUP request to the Planning Commission; carried.

***SUP - Timber Harvesting - Louisiana Pacific***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer the Timber Harvesting SUP request to the Planning Commission; carried.

***Request for SUP - Baxter Pass Area - for Pipeline - Mapco***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to refer the Pipeline request for a SUP for Mapco to the Planning Commission; carried.

***2nd Year Forum - October 17 - Intergovernmental Cooperation and Sharing***

Victoria Giannola presented the Forum on October 17 to be held in Carbondale for appointed and elected officials as part of the ongoing seminars put on by local planning departments and consultants including Healthy Mountain Communities. The Focus is on Intergovernmental Cooperation and sharing GIS Information, Data Bases and discussions regarding related growth issues and studies on traffic patterns. This is an update on where we are and where to go from here. The public is invited. This is being sponsored by the local Planners and Healthy Mountain Communities. Victoria said there will be two guest speakers and they are asking for a contribution of \$500 towards the forum. The Counties that will be involved include Eagle, Garfield, Pitkin and all the Towns and Cities involved in these.

Mark commented that part of this goes to the GIS Mapping that is involved. Rock Creek Studio has been working with and trying to put together all the GIS programs that are in these counties to come up with a valley-wide map to identify the jurisdictions. Dave Michaelson will also present his findings.

A motion was made by Commissioner McCown to support this Forum with a not to exceed \$500 contribution. Commissioner Martin seconded; carried.

***Geological Survey - October 29***

Mark is on the agenda and Victoria will be the opening speaker.

Victoria said that one of the issues will be to tour the access sites on 109 Road that was damaged in the mud slide.

***Resolution - Englund/Moore***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign Resolution concerned with the Englund/Moore Preliminary Plan; carried.

***Acknowledgment of Satisfaction of Improvements Agreement - Glen***

Mark said they have completed all improvements and this is releasing the last \$9100. There is a stamped letter from Bruce Lewis certifying the improvements were completed.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the SIA for Jeffrey Glen for Stanley Glen Revocable Trust; carried.

***Boundary Lines - Amended Plat - Ryden***

Mark presented the boundary lines involving moving lot lines in order to have a better buildable footprint which is an amended plat for the Rydens.

Commissioner McCown so moved and Commissioner Martin seconded; carried.

***CRS 30-20 -101-10 (C)(2) Divorce Degree - Fischer***

Billie Birchfield sent notice in action CRS 30-20-101 (C)(2) for Cheryl and Mark Fischer divorce degree which splits the parcel and makes them less than 35 acres in size. This by statute can and is exempt from the definition of subdivision although the County does have the authority to

intervene in the action. The proposal splits the property that one party gets 5 acres and the other with 35.10 acres. If they were to come in through subdivision action, this will not be a major problem. The water issues will be their problem in terms in getting legal wells to each site. If either party wants to come in under a full subdivision review, they could get a 2 and 3 acre lot out of the 5 acre parcel or 2 at 2 1/2 acres.

Don said if the Board does not have any difficulties with this proposal, the Board should by motion decline to intervene in the existing civil action.

Mark said this would be Case No. DR 96256 Cheryl and Mark Fischer, co-petitioners. Commissioner Martin so moved; Commissioner McCown seconded; carried.

***Smith - Exemption - Extension Request***

Mark said that Bob Emerson on behalf of Sandra Smith had requested an extension to complete her exemption plat. They are requesting the full time which would give them up to one year until May 17, 1999.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the Smith exemption request until May 17, 1999; carried.

***Los Amigos - Request to Release Funds***

Los Amigos request to release \$111,500 and \$12,500 will be retain from their last Filing No. 5. A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign; carried.

**LIQUOR LICENSE: LATE RENEWAL - CATHERINE'S STORE**

Mildred Alsdorf presented that the owner, Lael Hughes was in Kentucky and had advised his staff to proceed with the liquor license renewal. There was a mix-up and his staff filed it in Denver instead of with the Clerk's Office. Due to the late application there is a fee connected with it of \$500. Mildred said she had collected the \$500 and the Statutes stated it is nonrefundable. The application is in order and she has collected the two additional checks necessary for the State and County. Additionally, Mildred reported there have been no problems reported at this establishment.

Commissioner Martin reiterated that the Sheriff needs to be involved with the review of the license. He added that this is a good tool and they should inspect and support the Clerk. Any officer should be able to provide this service; and if signs are not posted and license is not renewed, then somebody needs to be notified.

Commissioner McCown moved to approve the liquor license renewal for Catherine's Store. Commissioner Martin seconded; carried.

**DISCUSSION: AREA TRAUMA ADVISORY COUNCIL (ATAC) PLAN - SHARON ESHELMAN**

Sharon Eshelman and Dale Hancock were present.

Sharon presented the plan review and stated this is the Northwest Colorado ATAC Plan that includes what they will be working on. Bob Lacotta was hired by ATAC to put the plan together. He went to all the hospitals and EMS facilities and addressed the problems.

Sharon went over the plan and obtained input from the Board as to various inclusions they deemed necessary within the plan. Some of those issues included: existing resources including populations of 183,000 for all five counties; each hospital's services they provided; EMS staff numbers; all the different agencies and the services used; volunteers that includes 24 emergency agencies; use of life support including air transport and rescue service.

Sharon stated that Level I is the highest level of Trauma care. Sharon named the ones that are classified as Level I for this area - St. Anthony's and Denver Health. Children's Hospital is the Level I for pediatric care trauma center. Within our own Five County Area - St. Mary's is Level II, VVH is Level III, and Claggett Level IV.

Additionally Sharon mentioned that volunteers decline with the increase of our population. A study has been done on recruitment and keeping volunteers interested.

A date was determined for March of 1999 to have separate channels for emergency communications.

The Board indicated this was an excellent plan.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the plan as presented by Sharon; carried.

Dale was requested to draft a letter that the Board did approve of the plan.

### ***Fairgrounds Agreements***

The Board discussed the method in which the Fairground Contracts are being submitted.

Ed will look into the policy on having these contracts signed in a timely fashion.

Commissioner Martin moved to ratify the contracts for the C.Q.H.S.A. Fairgrounds and Staff Rental Agreements for September 5 - 7, 1998. Commissioner McCown seconded; carried.

### **DISCUSSION: BEAVER CREEK ROAD - KN ENERGY**

King Lloyd, John Obourn of Wildhorse; Bernie Whitman KN Energy; Jay Fowler of Wildhorse, KN Energy; Roger Neil High Country Engineering; and John Mechling - CTL Thompson were present.

Discussion was held regarding portions of CR 317. A proposal for road improvements from the Dorrell Ranch to Lucky 13 Ranch were presented.

KN Energy maintained that the traffic counts were not as high as had been projected. They met with King and residents last week. The area being discussed is partly in the Rifle watershed and KN Energy put together this information to present to the Board.

Bernie Whitman, Paul Bussone representing the City of Rifle and County Engineer Bob Szrot also provided input into the discussion.

King stated the reason for the discussion today was due to the fact that they have submitted some different designs with different specifications than the original geotechnical engineer specified. The primary reason they were here is if the road stabilization were to proceed as it had on the upper part, we would not have the road width on this particular section of road, the road would be somewhat narrower. King added that it was his understanding from the action by the Commissioners took in granting the permit that we wanted to hold the road width and not encroach on it. The road was already narrow enough as it was and that we wanted to maintain the template we have without disturbing any of the area that underlay the water diversion ditch that runs parallel to the road. So KN submitted the additional information and copied County Engineer Bob Szrot. However, King said he and Bob have not had an opportunity to discuss this as yet. King mentioned the new proposal is quite a bit different; that the original soils reports stipulated 16" of pit run or the equivalent native material and 8" of class 6. This was stipulated to give those materials that would render the County with an all season road with an approximate 20 year design life. King stated they are recommending 8" of pit run and 6" of class 6. King mentioned a soils report from CTL Thompson. The new proposal- Proposal I - is suggested and would include 8" pit run and 6" of class 6.

CTL Thompson of John Mechling said the soils test was better than originally estimated. His concern is that you don't mess with what's there. He explained that excavation to a flat area would leave some pot holes where the rocks were requiring them to put the soil back in and compact. Depressing soil where the rocks came out, regarding costs to the County, would be better to leave this surface as it is.

Chairman Smith asked about the comparison between Proposal I and II and the question regards where does the continuation with the leases if the pipelines are sold and where does the liability for the continuation of the five years of maintenance go?

John Obourn said when the permits and licenses are transferred, the provisions go with the purchaser.

Bob Szrot stated that the last time they met he asked for some figures and calculations to compare and he never got those. He prepared some information taken from the Asto Pavement Design Book and in looking at the aggregate surface, multiple factors that figure in to the design of an aggregate road - traffic, weights, aggregate base layer, road bed materials, allowable running depth; and based on the information he obtained from the CTL report where they talk about the Vem R value changing, it seems like what's happening here is this: one perimeter's changing, there's going to be a difference in truck traffic, therefore, let us reduce the quality of this road and until Bob sees some other reports that addressed the changes in truck traffic, what is some of the soil testing out there, and comparative things between the aggregate layers; he couldn't recommend any of the proposals.

King was asked how he liked Proposal I and he stated he preferred it over Proposal II. The 5 years is a minimum and is acceptable; however he suggested to add a clause that the situation would be reviewed within a period of time to see if the traffic counts increase and to have a method to address soft spots. King wanted it specific with the desired outcome. If there is a lot of soft spots and a high maintenance cost due to heavy wheel loads, then maybe this arrangement wouldn't work and it wouldn't be advisable to keep adding 6" of Class 6 - something else might have to be done.

The agreement was to accept the recommendation by CTL Thompson that includes a 6" overlay on the existing surface with extended maintenance and to include the understanding that if any soft spots or failure areas due to loads in the road occurs, that repairs will be made as necessary to stabilize that sub-grade to make it perform as needed.

King mentioned the way the County Road standards were written now, they rely on the recommendations of the geo-technical engineer to stipulate on a case by case situation what the road template should look like.

Commissioner Martin added the statement made by John Mechling is that the failure of the road is the drainage and the ditches and culverts need to be done by the County and that is not included in the maintenance. He said he sees an argument where failure of the road because of the drainage problems could occur and blame be placed on the County.

Chairman Smith agreed.

Commissioner Martin stated if it is going to be maintenance, then it's going to be maintenance and will not exclude anything.

Chairman Smith also inquired about "criminal destruction."

King agreed that snow removal was a given and we only maintain snow removal of the road up to the snowmobile turnaround and the County will not plow all the way up to the pig launcher.

Commissioner McCown stated if logging starts they will be hauling all winter.

King stated in cases of this the County has made the log hauling post a bond and they are responsible for snow removal. So the area the County does snow removal would be covered under the proposal.

King stated the only caveat that needed to be added to this was, as John Mechling and he had discussed, drainage does cause road problems and typically with the natural gas industry it never fails that when they want to do the majority of their work, it happens in February when the roads are beginning to thaw and the roads will not hold up to heavy wheel loads when they're starting to thaw. Therefore, it is impossible to go in and plow snow and pull the ditches at the same time and so there will be water underneath the ice in the ditches and the snow adjacent to this road and it needs to be understood that in the summertime the County can maintain the ditches and make sure there is adequate drainage there, but when the roads start failing in February, that's due to the wheel loads and it is be addressed in order for this agreement to work.

Chairman Smith mentioned in a maintenance agreement she wanted to make sure that responsibility was clearly spelled out in what we sign and therefore she wanted to make sure everything is covered.

King stated the Board's recommendation was that this be an all season road and hold up to all hauling activities year round and that's what we need

Commissioner McCown mentioned that 5 years ought to be a test of that.

Chairman Smith suggested that the 5 year maintenance be on an all season road.

Commissioner McCown stated the entire road mentioned in the agreement, part of it the County does not plow.

King mentioned his interpretation of this agreement would only be for the portion of road from approximately Lucky 13 driveway down to Dorrells. Lucky 13 to the original pig launcher could be under the original permit - all season.

Commissioner McCown and the other portion where the improvements are made would be an all season also.

Bob Szrot stated there were two ways to monitor compliance when it came to road standards: national standards and it sounds like we are going to ignore that and go to a "warranty spec" where somebody's going to say, we don't like this road, there's a soft spot and not passable to all traffic in all weather. Before an agreement is reached on anything, he suggested that a clarification be made just what this means. The problem he foresees is not if King assesses a soft spot, but if someone else determines that it isn't, then without a very clear layer and information according to national design standards, then the agreement needs to have a clear line of authority as to who will determine there is a problem and it will be repaired. If King is that authority and it will be fixed without an argument, okay.

King mentioned a concern that Bob has mentioned and Chairman Smith has also voiced is that parties do change. King suggested there be a specification for how much rutting is allowed.

Chairman Smith reiterated that the line of communication needs to be open and everyone sitting here in agreement that when the time comes repairs will be made.

Bernie mentioned that the agreement could be redrafted to include the concerns discussion today.

Commissioner McCown mentioned to add on page 1 - "at any time during the five year period, this road fails to maintain its integrity as an all weather road, it will be built to the initial design of the geotechnical engineer, for the whole damn road." It will either be one or the other. The Board will either approve Proposal I or they were going to go back and sub-excavate it. If it fails in five years, it needed to be done in the first place. If it doesn't fail in the five year period of time, apparently the 6" of sub-grade is great. Now, does everybody here agree with that?

Chairman Smith asked if they could agree to that?

Commissioner McCown stated this is the gamble these guys have.

Bernie asked if it fails, you would require them to pull all the 6" off?

Commissioner McCown said no, leave that - put 8" of pit run and 6" of road base. We would lose some narrowness, but he doesn't want to see them dig rocks the size of this table.

KN Energy asked what would determine a failure?

Commissioner McCown said when trucks starts running though it and you can't get up it in a pickup.

KN Energy asked if you get 50 feet of failed road, that mean you're putting 8" over the whole road?

Commissioner McCown said yes. This was what the design initially called for on the whole road was in there when they agreed to put in the pipeline. Now we're coming back and wanting to get down to 6". He used Mamm Creek as an example and this year we are fixing it right and hopefully we won't have to fix it again.

Chairman Smith suggested KN Energy fine tune their proposal and to work with Ed Green and Don DeFord will work with Ed.

KN Energy said they would depend upon King's expertise to help them.

King said it will be him and Bob and Ed Green.  
The parties agreed.  
KN Energy will put this together and get back to the Board.

### **AFFORDABLE HOUSING**

Tim Thulson, Tom Beard, Don DeFord and Victoria Giannola were present.  
Tim Thulson said they were working on an affordable housing component in compliance with the PUD recommendation. They are working with the County on affordable housing and one thing that is becoming very clear is they will need some enforcement of administration entity and would like to have the Garfield County Housing Authority as an administrative entity. In talking with Don and Tom Beard, they thought it would be helpful if we could schedule a meeting in the future to discuss funding, what it will be and what can be done.  
Don mentioned that the 12:30 agenda item was set in order for the Board to determine a time on their agenda next week to discuss this. This is more than just the Rose Ranch Affordable Housing issue.

A meeting time was set for September 15 at 3:00 P.M.

### **FINAL CONSIDERATION RESOLUTION - ROSE RANCH - DISCUSSION**

Don DeFord, Tim Thulson and Victoria Giannola were present and Don presented that Victoria was directed to put together a Resolution that included all the findings and conditions that the Board imposed as part of the hearing process on Rose Ranch. Victoria has put together a final draft that was presented to the Board for review. This was put together after actual consideration of the transcript prepared by the Court Reporter as well as the Minutes from the Clerk & Recorder's Office. Tim Thulson has had a brief opportunity to review this.  
Victoria went through the Final Draft of the Resolution for Rose Ranch page by page.  
Discussion was held on the various points, one being the golf course and a consensus was made on the issues. Tim said they would be addressed in the Preliminary Plan. The approved wording on the golf was approved to read - "The golf course operations shall have an affordable play component for Garfield County residents and a discounted green fee. The applicant shall propose a method of establishing the operations as part of the preliminary plan submittal."  
Don stated with the changes as discussed Victoria can proceed to make those and bring the Resolution back to the Board of signature.  
Commissioner McCown so moved. Commissioner Martin seconded the motion but also reminded everyone that this was the biggest and most visible subdivisions to date.  
Vote taken:  
Smith - Aye; McCown - Aye; Martin - Nay.

### **ROAD AND BRIDGE DISCUSSION**

King Lloyd continued his discussion on Road and Bridge.

#### ***Mooney's - Sweetwater - Compliment***

Chairman Smith read a letter from the Mooney's up at the Sweetwater area stating thanks for all the work and improvements the County has done to their roads. They asked if it would be possible to put up protectors on the edge across from the mail box.  
King mentioned they are wanting Road and Bridge to look at placing guard rail along there; however, there's no place to install a guard rail in the shoulders.

#### ***Mamm Creek***

King reported the paving on Mamm Creek was starting this week at the north end and working south. Improvements are being made and the U. S. West strike did not hold them back on some phone lines that needed to be relocated.

#### ***County Road 320***

CR 320 will be completed this week. The tarsands have been laid out and there are a few sections where this will be widened.

#### ***County Road 300***

King said they were successful in negotiating with Tom Brown. They went ahead and put mag chloride on CR 300.

#### ***Oversize/Overweight Reports***

King submitted these for review.

#### ***Executive Session - Personnel - Road and Bridge***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go in to an Executive Session to discuss Road and Bridge; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of an Executive Session to discuss Road and Bridge; carried.

#### ***Weight Restrictions - Resolution - Moffat County***

Commissioner McCown requested Ed Green to sent a copy of the Resolution regarding Weight Restrictions to Moffat County to the attention of Commissioner Joe Janicek.

King volunteered to do this.

### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

#### ***Sierra Pinion - Porter***

Don again reported that a letter had been received from Barton Porter's Engineer. The Board informed Barton that this was set for discussion in Executive Session for 5:30 on September 14, 1998.

#### ***Question of Weight Restrictions - Silt Area***

Barton Porter had a question regarding weight restrictions of 85,000 lbs. being different on County Road 335 as you cross the river at Silt as compared to the same road from the Fry Gravel Pit to CR 335 of 70,000 lbs. all the way to New Castle. Barton asked for clarification as it impacts his cattle hauling and bulldozer movements.

King explained that the restrictions from the Fry Gravel Pit east on CR 335 is posted as you take a left onto CR 335 and it is limited to 70,000 lbs. on five axles. King said these restrictions were clear to Apple Tree Trailer Park and then it changes so that loads going up Alkali Creek and on east on CR 335 can be interstate loads. There is basically a zone between Alkali Creek, the west side of Alkali Creek and the east side of Fry's Gravel Pit that is weight restricted. The purpose of this is to keep heavy trucks off of Divide Creek due to well drilling and the extensive gas exploration.

As a further suggested King said Barton could use a transport that has more axles.

### **PUBLIC HEARING: CONDITIONAL USE PERMIT FOR A HOME OCCUPATION, LOCATED APPROXIMATELY 2 MILES EAST OF CARBONDALE OFF OF COUNTY ROAD 100. APPLICANT: ERIC SMITH**

Mark Bean, Don DeFord and Dave Michaelson of Rock Creek Studios were present.

Don DeFord determined that adequate notification and publication were in order and advised the Commissioners they were entitled to continue.

Chairman Smith swore in the speakers.

Mark presented the following Exhibits for submittal into the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application; and Exhibit D - Project Information and Staff Comments.

This is a conditional use permit to allow a home occupation on a 2.00 acre parcel located two miles east of Carbondale and off of CR 100.

The proposed home occupation is an office for the applicant to have an office for his legal practice.

The only issue staff had was that arguable someone in the future could view this as bring an accessory dwelling and there is not adequate acreage for it to be classified as an accessory dwelling or a guest house, so one condition recommended for approval is that the permit is approved for an office that it shall not be used for residentially occupancy at any future date.

Recommendation:

APPROVAL, subject to the following conditions of approval:

All representations of the applicant, either contained in the application or stated in the public meetings, shall be considered conditions of approval unless otherwise stated.

There shall be no signs indicating the commercial use of the property.

That the permit is approved only for an office and that it shall not be used for residential occupancy at any future date.

Dave Michaelson mentioned there would be no kitchen included in the plan however a bathroom was added.

A motion to close the Public Hearing was made by Commissioner McCown and seconded by Commissioner Martin; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve this application for a home occupation for Eric Smith with the staff's recommendations as modified - to note garage; carried.

### ***Railroad Minutes***

Commissioner Martin thanked Victoria for the nice job she did on the railroad minutes.

### **SITE APPLICATION FOR THE EXPANSION OF THE WEST GLENWOOD SEWAGE TREATMENT PLANT**

Mark Bean, Don DeFord and Greg Strait were present.

This is a site application for approval for expansion of domestic wastewater treatment works for the West Glenwood Sanitation District.

It is proposed to expand the West Glenwood Sanitation District wastewater treatment facility approved flow capacity of 0.375 MGD to 0.750 MGD. The existing facility is treating effluent for 706 EQR, which includes both residential and commercial users in the West Glenwood area. 4-6643

This is to deal with the growth in the area. In terms of State Statutes, the BOCC are required to review and make a recommendation. The Planning Commission has reviewed and it is in general conformity with the Garfield County Comprehensive Plan. One issue, regarding the 208 water management plan, Glenwood has agreed to do this in the future. A regional wastewater facility is planned for the future.

The Planning Commission recommended approval of the application. Mark stated the Board makes recommendations and they need to recommend approval or disapproval both under the Board of Health and as the Board of County Commissioners.

Discussion was held as to whether or not the loop has been annexed. Also that this was part of the 208 Water Quality Plan.

Greg Schrader from Schmueser Gordon Meyer 318 A, 19th Street, Glenwood Springs. In addition to doubling the size of the plant, this is a plant that can be run parallel to the configuration. Now it is essentially a flow-through process plant which means that if there were any problems with the plant or any maintenance required, it would be impossible to do as the plant would have to be shut down and this is not feasible. With the doubling, essentially it will be two parallel systems in which one of the systems can be run while the other is maintained, and vice versa.

Commissioner Martin asked if the proposed purchase at Gilstrap No. 12 has been completed? And that it's all within the city limits now of Glenwood Springs?

Greg stated the purchase has been completed, but the annexation was in the process.

Chairman Smith mentioned this comes back to the building code; if it's a mixture, the City's adopted the very latest code which is 1997 so that should be referenced in the recommendation.

Mark stated they have taken the position that they are not subject to building code requirements and their engineer's do all the inspections or permits taken from Garfield County.

Commissioner Martin made a motion to recommend approval of the site application for expansion of the West Glenwood Sewage Treatment Plant with recommendation that acquisition of land from C-DOT be present at the time of acquisition. Commissioner McCown seconded; carried.

### ***Board of Health***

Commissioner McCown moved to go into the Board of Health; Commissioner Martin seconded; motion carried.

Commissioner Martin made a motion to recommend approval of the site application for expansion of the West Glenwood Sewage Treatment Plant with recommendation that acquisition of land from C-DOT be present at the time of acquisition. Commissioner McCown seconded; carried.

Commissioner McCown moved to come out of the Board of Health; Commissioner Martin seconded; motion carried.

### ***State Fair - Pueblo***

Chairman Smith and Mildred Alsdorf attended this year's County Fair in Pueblo. It was a first year event where all elected County officials were included in a special recognition dinner meeting. There were approximately 150 County individuals present.

### ***County Car - Appropriate Usage Questioned***

A note and a photograph had been received and given to Ed Green regarding a County vehicle parked at the scenic overlook on Independence Pass.

Ed discussed having a "pass" drafted that identifies the usage of the County Vehicle and put in place in the Motor Pool.

### ***Status of Road - East Elk Creek Road - County Road 241 - Request to Vacate***

A letter was submitted to the Board by Acting District Ranger William Hahnenberg reminding the Commissioners of discussions in the Spring of 1997 about a project to improve the East Elk Creek watershed by building a trail head and then closing the road adjacent to East Elk Creek. Therefore, the Forest Service was requesting abandonment of the right-of-way.

Don stated that all he needed to know from the Board at this point was they could set this matter for consideration and he can notify Gary Osier. The legal description that needs to be included in the agreement before this is put into place is obligating some type of public accessibility to the area if there is not going to be a road. We need to see the arrangements being made for specificity concerning the parking area. Their anticipation is that the County Road and Bridge

Department would be doing the work but we need an agreement specifying how and how much payment.

The road needs to be posted and do the hearing coincidence with each other. Gary has indicated he wanted to do some of the construction to the parking area before this winter. Don stated the construction could be started on the parking area prior to the vacation as long as it is set for consideration. The Forest Service needs to come before the Board with either an appropriate purchase or lease agreement from the land owner for the parking area. Don said there may be some public comment and the road would need to be posted before the hearing. The Forest Service will notify the two landowners.

The matter was set for consideration on the Commissioner's agenda for a Public Hearing on November 2, at 2:00 P.M.

#### ***Board of Adjustment - Attorney Designated***

Don DeFord asked the Board to designate Josh Marks as the attorney for the Board of Adjustment. This was determined to have been discussed at the last meeting.

#### ***Airport Authority Board Members***

Commissioner McCown inquired as to who advertises for members. He noted there were two applicants on file already and both have a very strong interest in filling those two seats. Discussion was held.

A decision was made to advertise in case there were others as there is a need to spread these members out; however to notify the two who have previously applied to see if they are interested.

### **WATER SHED DRAFT AND REVIEW/QUESTIONS - COLORADO DEPARTMENT OF HEALTH AND ENVIRONMENTS**

Bill McKee, Dan Beley Colorado Department of Health and Bob Szrot were present. Associated Governments were the 208 designee.

Dan Beley mentioned his Department goes clear to the Utah border.

Bill McKee mentioned that Bob drafted a Plan based upon the format Bill had given him and the draft is very good. Bill had made some comments and suggested revisions to be included and now it is ready for review with the Commissioners to ensure they were comfortable with the Plan the way it is laid out before being submitted to the Environmental Protection Agency (EPA). Bill is hopeful to obtain the EPA's approval within the next month to proceed with it.

Bob asked Bill to come before the Board and if there weren't any objections to the language or concept, this Plan will be submitted by the end of September. The draft includes the comments made by Bill. The total project cost is \$31,500.

Chairman Smith inquired as to how they were going to get from \$29,000 to \$31,500?

Bob said a lot would come from Bill McKee.

Bill said he mentioned to Bob that a water quality assessment should be included and his agency has offered to do that, pull whatever information is gathered, look at it, try to determine if there are any streams out of compliance or need further attention and look at their 303D list for total maximum daily load under any segments that fit there. Their time would be estimated at \$2,000. Bob called attention that this was Objective Task 3 on page 4 - \$2000 and another of \$500 increase on page 6 when Garfield County designates which water quality impacts will be addressed by what entities and watersheds.

Further Bob explained that the first step will be to determine what information is available in order to prevent reinventing the wheel; gather up resources so when talk of regulations or perimeters there are documents that will provide a strong basis of where we are coming from; and then forming the watershed advisory committee which is composed of Commissioners as related to the watershed; and then work with the communities on some cases with members of the

watershed committee. The advisory committee will definitely be very heavily focused on citizen, industry and other community involvement. Bob indicated that he felt comfortable with this Plan especially in the component in the watershed advisory committee. The advisory committee will advise the Board of County Commissioners and they can make decisions. One of the soil conservation districts; and Mary Meisner of Public Health on nitrate issues will be included. Dennis Davidson - National Center Resource Services - was also recommended as a source for information.

Bill mentioned that a critical element will be to form the advisory committee. Get a cross section of the community with approximately 7 - 12 representatives on the committee.

Chairman Smith - suggested Bob get with Dennis and talk about these issues and see if he has any suggestions or recommendations for members. There are three soil conservation districts in the area. One member from the Colorado stem and one from the Roaring Fork stem was recommended.

Bob said he was visualizing, once the go-ahead was given by EPA, putting advertisements in the newspapers leading up to a meeting similar to the one held in Basalt where you test the waters and see who shows up. Bob mentioned three permanent members would be serving on the Committee - himself, Mary Meisner and Rob Hykys.

Chairman Smith suggested Bob use Public Service and PSB announcements.

Commissioner McCown mentioned the towns needs to be on the committee as well.

Bob said that Michael Blair - Land Planner - Town of New Castle has been advised of the Plan and he is interested in: 1) looking at this further; 2) concern as to how it might affect them; and 3) he's very interested in protecting the watershed.

Commissioner Martin made a motion to proceed with the draft of the 208 Water Quality Plan.

Commissioner McCown seconded; carried.

## **DISCUSSION: FUTURE RECREATIONAL PLANNING FOR GARFIELD COUNTY - RONALD PERRY AND ANNE MACKEY**

Ronald Perry and Anne Mackey presented a report to the Board on public golf courses.

Anne has been a resident since 1991. Her concern is for the well-being of the youth and noted the article in today's Glenwood Independent - "Crime is booming in Glenwood Springs." Her interest in sports, especially in golf, has benefited her greatly and therefore she is here to promote public golf facilities to the County as well as to have sports activities. She and Ronald Perry were here last April 13 before the Board and since then they traveled to the New Jersey Parks and Recreation and obtained some information regarding the successful operations of public golf courses. Since 1920's those people in the County backed the recreation. Parks and golf courses were their focus. Their facilities were very highly managed and they are making money noting they're crowded with seniors and young people.

Chairman Smith reminded Anne of the restricting of the Tabor Amendment and how this limits the Board in mill levy or taxes.

Anne said in New Jersey the land was donated for golf courses and bike paths and then governed and managed by the County. In Morristown, New Jersey they used the phrase - "build it and the people will come."

Chairman Smith reiterated that the total mill levy is a little over 13 for all county functions.

Therefore, there was no slack. The Rose Ranch planned unit development was just approved and will be one development that is adding a public golf source and will be allowing county residents to play at a reduced green fee. All the conservation trust dollars go into the Fairgrounds. She indicated there is a new grant cycle and mentioned a luncheon scheduled for October 1 in Eagle where a discussion would be held as to how Great Outdoors Colorado dollars could be used. The local municipalities do recreational activities in this area.

Ronald Perry basically reiterated what Anne Mackley had said and added that the first step would be for Garfield County to create a Parks and Recreation Commission.

Commissioner McCown said he doesn't want government in competition against the free enterprise. He added there are already two public golf courses and a third one is being created in Rose Ranch. With the price of land the initial investment would add up to \$1,000,000 a hole. Chairman Smith said she appreciated the work they did and perhaps the Board will think about this in the future.

Anne Mackley said she is committed and will write an article in the paper asking for individuals to donate land.

## **PUBLIC HEARING: ABATEMENTS - WEND COWEND GLEN CO., NEW CREATION CHURCH, GLENWOOD; and CHURCH OF CHRIST**

Steve Rippy presented the following requests for abatements.

Chairman Smith swore in the speaker.

Wend Colorado/Wend Glen Colorado filed by Bridge and Associates of Golden, Colorado - abatement request of 1997 taxes of \$5,565.00.

Steve mentioned he had the same argument as he presented during the Board of Equalization hearings and requested the Board deny this request as well.

The Commissioners agreed and a motion was made by Commissioner Martin to deny the request, seconded by Commissioner McCown. Motion carried.

New Creation Church - abatement for 1997 taxes - \$3830.88 and Church of Christ - abatement for 1997 taxes of \$2084.68.

Steve Rippy was in favor of these being approved.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the abatements; carried.

### ***Nystrom Litigation - Executive Session***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

## **DISCUSSION - COUNTY ROAD 266**

King Lloyd, Roger and Jackie Call, Richard and Dana Maddox were present for the discussion that involved construction of a turn around at the end of County Road 266.

King said that he and Marvin looked at the area and taking into account the easements, he submitted photographs showing some variations that included cost estimates.

Job Number One included taking out 9 big Cottonwood trees; taking down and replacing a barb wire fence; making a 75' x 75' turn around; graveling same; adding a culvert; moving and replacing power poles; and labor for a cost estimate of \$14,380.76.

Job Number Two included taking down and replacing barb wire fence; making a 75' x 75' turnaround; adding a culvert; and labor for a cost estimate of \$7,057.41.

Discussion was held with respect to these two scenarios. In both cases the affect is the same to the landowners adding one more - Bobby Davis.

Chairman Smith mentioned she had received a phone call from Bobby Davis indicating a discussion centered around CR 456. Chairman Smith had advised Mr. Davis that it was not about CR 456 it was rather CR266. However, CR 456 leads off of CR 266 and Mr. Davis' property would be affected by the scenarios.

In the conversations, Don DeFord said it is a deeded right-of-way and this was confirmed by the County Surveyor.

The Calls are concerned about mail services and snow removal.

Option 2 seemed to be the most desirable as it involved no loss of trees and no moving of power poles.

King added that this option is easier to build, cost is less and they would not be cutting anyone's access off.

This matter had to be postponed until Mr. Davis could be contacted and made known of the discussions. Chairman Smith doesn't want to make a decision of those affected until they are present.

A new date was set for October 5 at 4:30 P.M.

Chairman Smith will call Mr. Davis and advise him.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to reset this discussion for October 5, at 4:30 P.M.

***Chelyn Acres - Wagner***

King said it was clear that an encroachment had been made to Wagner's property in Chelyn Acres.

A discussion will be held on September 14 at 2:30 P.M. and Mr. Wagner will be present to discuss the issues with the Board.

***Adjourn 5:20 P.M.***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn; carried.

Attest:

Chairman of the Board

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**SEPTEMBER 14, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, September 14, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green; Assistant County Administrator Allen Sartin; County Engineer Bob Szrot; and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

***Geological Hazard - October 29, 30 - Hotel Colorado***

Chairman Smith mentioned a discussion will be held on October 29, 30 at the Hotel Colorado on the geological hazards in Western Colorado; there will be a field trip after.

***Rural Resort***

A Summit Meeting will be held in Leadville on Friday, October 9 and Saturday October 10. Saturday, there will be a formal signing of the IGA between the Five Counties.

***CCI Government***

The wrap up will be on October 9.

**COUNTY ADMINISTRATOR - Ed Green**

***Coroner***

The Eagle County Autopsy was followed up with Sheriff Dalessandri. The Forensic Pathologist was discussed with Trey, however Chairman Smith commented that she wanted Ed to particularly focus on the retired military gentlemen who had previously voiced an interest in retiring in this area. The five County areas are very interested in this concept. Ed said he will talk to Trey before the next meeting.

***C-DOT Space - Fairgrounds***

Ed has been looking into this facility. Mike Andrews has the lease and didn't think it was a problem in subleasing. There is no money changing hands. Two alternatives - City of Rifle Maintenance and the Fire Department want to store at this location. Chief of Police of Rifle Daryl Meisner has one-half of the building and Lee Moss has the other half for storage of vehicles for the Fairgrounds. Daryl has been approached to move the impounded vehicles.

The question is who gets the first priority?

Chairman Smith mentioned they were talking about another facility for the Fire Station, but decided to go to the Airport. For this year, until the Airport Regional Fire Station gets completed, they may need to store the equipment.

Commissioner McCown stated the City is interested in keeping their mowers stored there for a work-bay.

Ed said he was under the impression that this was equipment in addition to their daily need.

Commissioner McCown cautioned that the more users of the building, the less security.

***Gun Barrel Facility - Extension***

Ed called and advised them of our interest with minor remodeling to make it work. Ed submitted a sample lease and stated he and Don would be reviewing this.

***Roy Stanek - Insurance - 8th & Pitkin***

Ed mentioned that space will be available next March or April as they will be building a 4-story permanent structure.

### ***Leak in the Roof - Airport***

Ed reported on this maintenance issue at the Airport and said Mike will coordinate through CTSI.

### ***New Administrative Secretary***

Barbara Gabber has been hired as the replacement for Ruth. She has 15 years experience as an office manager and travel specialist. Ruth can stay until the middle of October to train Barbara.

### ***Budget - Update***

Most of the departments have responded and he and Allen have begun the reviewing process. On the 16 - 25 of September the departments will be scheduled and have an opportunity to defend there requests.

Chairman Smith mentioned she had spoken to Eagle County about this and they informed her that after the first year, the departments would see the benefits and appreciate this format.

There are some concerns in the general budget, but they are working on those.

### ***Surface Transportation Board - Report - Environmental Assessment***

Don DeFord handed out the Environmental Assessment of the Surface Transportation Board (RFRHA) and indicated that a full report will not be necessary.

Discussion was held.

Commissioner Martin stated this was made available to the public on August 28 and comment is due by September 28.

### ***Federal Register Publication***

The date this was published in the Federal Register is unknown. Don is working towards the September 28th date.

### ***Survey of the Rail Line***

Commissioner Martin asked if the County had a complete survey of the rail line in Garfield County.

Don commented that the railroad has one but the County has never been privy to this document. Commissioner Martin asked that Don request this.

### ***WEE***

Commissioner Martin stated there was a shared use agreement that is used daily, and it is part of the abandonment.

More discussion.

Chairman Smith asked how much information the STB has on the crossings by CMC and the storage areas.

Don wanted to know if there was a copy of what RFRHA filed with the STB regarding an environmental assessment. One was done prior to purchasing.

Commissioner Martin mentioned he has a copy of that document.

Chairman Smith added that some of the issues that were raised then are ones she is still raising.

Commissioner Martin mentioned this Board had raised some concerns that were never addressed regarding dangerous materials such as oils, greases and diesel; and the crossing issues.

### **JAIL DISCUSSION**

Sheriff Tom Dalessandri, Dale Hancock and Al Maggard were present.

### ***Jail Count***

Total in Jail: 137. 46 main jail; 29 Work Release; 8 females; 7 Home Detention; no Day Reporting; 8 Workenders; 1 State Hospital; 38 other jails. The inmates are in Clear Creek and Summit. - 5 of the 38 are DOC and are in Clear Creek. 23 in Summit and 9 in Clear Creek. Tom added that Summit is charging \$60 per inmate per day.

### ***Community Corrections***

Dale Hancock reported on a call Friday from Bob Howard of Airport Land Partners. They outlined some general points for consideration to be tendered and a meeting was set for Wednesday.

The reports will be reviewed at noon on the Walsh Environmental and URS reports.

***Pilot Restorative Justice***

Al stated that Colleen Truden wanted to gather information before this is presented. The plan is to start a small program locally at the municipal level.

The Restorative Justice Workshop was great a workshop and 600 plus attended.

***Community Corrections Board***

Al mentioned the regular Board Meeting will be held on Thursday noon at Hotel Colorado.

***Maintenance - Cleaning***

Chairman Smith mentioned that a complaint had been issued regarding the dirty hallways and stairways in the Courthouse; she referred this to Ed.

**COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Heather McGregor reported she would be leaving the Citizen's Telegram and will be joining the Glenwood Independent in the next few weeks.

**COUNTY BUSINESS - BUILDING AND PLANNING REPORT**

John Barbee and Mark Bean gave the report.

***Monthly Report***

Mark handed out the monthly report showing the activities for August. As far as building permits activity wise we are ahead by 296 permits through the end of August. Total of 168 residential versus 180 in 1996. Also, they are active in commercial and other activities.

*Remote Cabins* - Mark reported they have been doing some work on this with the Planning Commission.

***Code Enforcement Report***

Steve Hackett included a monthly report on Code Enforcement and noted the activities occurring.

Chairman Smith indicated the report was very helpful.

Mark added that sometimes these enforcement issues are called in anonymously and the people are unwilling to cooperate. Unless it is something that can be seen from the road, assistance is needed to obtain a court order to go on the property and investigate.

The agenda item - Elk Creek Subdivision is tied into this enforcement report.

***Remote Cabins***

Art Houglund of Houglund and Associates produced this report/proposal on remote cabins and procedurally this should be reviewed by the Board.

Art is proposing that these cabins be recognized as recreational use and issued an annual permit that needs to be discussed. Art researched the issues and provided a lot of information for the Board to consider. The Cabins would have a definite time period for occupancy.

Chairman Smith mentioned the Board needed time to look this over.

Mark stated this goes to a Board of Review who makes a recommendation to the Planning Commission; the Planning Commission makes a recommendation to the Board of County Commissioners who hold a Public Hearing and make a decision.

Art mentioned there were no models and the County would be the front-runner in this exception.

San Miguel divided their County in half and determined the west end could be used for these remote cabins.

***Referrals to Planning Commission***

John Barbee presented the following:

***Floodplain - SUP - Rifle Village South - Bessie Crandall***

The Board determined they could hear this without having to go to the Planning Commission.

***SUP for an Accessory Dwelling Unit - Ed Larsh***

The Board determined they could hear this and asked John to set it for a Board hearing.

***Change of the Master Plan and Comprehensive Plan***

Commissioner Martin suggested the Board review this yearly.

Mark stated there are more and more amendments coming in. He suggested every six months to have a review.

Commissioner Martin stated he was concerned about overwhelming the Planning Commission.

Chairman Smith liked the suggestion made by Mark to review the changes every 6 months.

Commissioner Martin stated we would hold everything off as far as changes until there was a 6 month review. He suggested reviewing the Comp Plan every six months as well.

Mark suggested the time frame under which this would be handled.

Commissioner McCown was concerned that the process not take up to a year to get these changes incorporated.

*Issues in the Existing Comp Plan and Issues in the New Comp Plan*

Mark stated there are some current issues in the existing Comp Plan being drafted presently and felt if there was a definite time frame, new issues could be dealt with in a timely fashion.

Commissioner Martin suggested taking this to the Planning Commission and letting them get back to the Board with some ideas.

***Acknowledgment of Partial Satisfaction Aspen Glen - Filing 3***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign an Acknowledgment of Partial Satisfaction for Aspen Glen, Filing No. 3; carried.

***Acknowledgment of Partial Satisfaction - Aspen Glen - Roaring Fork Mesa***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Acknowledgment of Partial Satisfaction for Roaring Fork Mesa; carried.

***Acknowledgment - Aspen Glen - Roaring Fork Mesa - Filing 2***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Acknowledgment of Partial Satisfaction for Roaring Fork Mesa, Filing 2; carried.

***Plat - Re-subdivision Lot D13 - Filing No. 1- Aspen Glen***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign; carried.

***Request from Aspen Glen - Peaks at Aspen Glen***

Mark explained this was Tim Whitsit's project and asked to have the Chair authorized to sign the plat and the Subdivision Improvement Agreement once he has everything to us. Mildred to hold the documents until the signatures are obtained.

Don mentioned they were going to take the existing letter of credit for Phase I and roll it over to Phase II. In order to do that they have to provide the County with certification that all the improvements are complete in Phase I and also a letter from the issuing bank recognizing they are allowing the roll-over and will recognize the existing letter of credit to support the new commitments. The form provided by the bank seems adequate so Don's recommendation is to go ahead and accept this type of security.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Plat and SIA upon completion of the necessary documentation by the applicant; carried.

**FINAL PLAT - SUN MESA PUD. APPLICANT: ESTATE OF JOHN N. STERLING**

Sherry Caloia, Mark Bean and Don DeFord were present.

Don mentioned that Sun Mesa is a older PUD that has not been fully developed at this point. There are certain alternations that need to be made in the final plat documents and approval documents and some peculiarities with this subdivision, particularly road improvements that need to be discussed with the Board.

Sherry Caloia - John Sterling is now deceased and had been working on this subdivision for a number of years. John's daughter, Becky Sterling is the executor and administrator of the estate. The hold up has been a requirement to obtain a 60 right-of-way on CR 162 in order to make the PUD guidelines that were approved some time ago. They were successful in negotiating with two of the property owners to acquire property, and John did pay them off and there is a deed to the County for a 60' right-of-way. There was one property owner that they were unable to come to resolution with - he wanted about six times as much as the valuation plus some other additional consideration and Sherry stated they didn't feel this was appropriate, so they came back to the County. Under the terms of the SIA previously approved, the County was then

required to go ahead and condemn the property. Don and King need to decide what to do. There is a buyer out there and this needs to be done. The question before the Board today is, how does the County want to proceed with respect to acquiring this property? It is only shoulder area property and it is needed to have 60' of right-of-way- it is not needed to build the road.

Don explained that John Sterling moved forward with this subdivision several years ago, back in the 1990's and then went into a hiatus. At the same time King and Don disagreed on the need for Don's department to proceed with condemnation on this part of the roadway. Don showed a map to the Board.

Sherry explained that the subdivision lies off of CR 103 onto CR 162 in Missouri Heights and it's quite a way to the Eagle County boundary.

Don said the road needs to be chip and sealed. The property was acquired from the Millers; Garfinkel's property is yet to be acquired. The total property is 1.5 acres and it lies off of the shoulder and it's an embankment that goes down to the property. The total appraised valuation in 1993 was \$1300 and it will cost the County more to have Don's department go through condemnation. Don said he will do that if a judgment is made that the property is needed for safety reasons. King's position has been to Don that they needed to acquire the full width of the right-of-way for future reference so the Road and Bridge Department wouldn't have any confusion as to where they could place snow. What Don would like to do at this point is to have the developer deposit with the County a sum of money acceptable to the Board to acquire the right-of-way and give the County one year to either acquire or condemn it or if a decision is made not to acquire it to return the \$3000 to the developer. Additionally, Don would like the County Engineer Bob Szrot to take a look at the road and if he says we need the property for safety reasons, then we go forward and if not, that we return the funds.

Mark talked about the road with King and King is not quite as adamant as he has been in the past, however his only concern is trespass regarding storage of snow as a result of plowing in that area.

Chairman Smith stated that Garfinkel's concern is drainage and has been part of King's concern because of those trees, but this seems like a reasonable plan.

Mildred is still holding the plat.

Sherry stated the Sterlings made the Garfinkels an offer of \$2500.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to proceed in this manner with the applicant giving the County \$3000 to be held if acquisition of right-of-way from Garfinkel is needed and included in that is having Bob Szrot look at it and make a determination if needed for safety purposes; carried.

Don said he would like to bring this back next week for a formal amended SIA; there are a number of changes that have to be made due to changes in the law regarding subdivision since this was originally proposed.

Sherry stated this was 24 lots and up to 35 units; there are some multifamily lots included.

September 21 at 4:45 P.M. was set for Consideration of Final SIA and Plat for Sun Mesa PUD.

## **DEPARTMENT HEADS**

### ***Extension***

#### *Office Building - Rental Update*

Carol McNeel mentioned discussions were being held with respect to the lease of the building in Rifle.

Don is looking over the lease. The Gun Barrel office space is the best they have found. A suggestion was made to rent a mini-storage to store the seldom used material.

#### *Copier Machine - \$7,000*

Last year on capital improvements Carol had requested the duplicator, scales, and \$7,000 for the copier.

The conservation trust took care of the scales; the duplicator was declined and 4-H paid for it; and \$7,000 for the copier was approved under capital improvements.

#### *It Takes a Valley*

Carol said Extension will be involved in the program Saturday in Basalt and they will have a booth set up. Some of the exhibits from the County Fair will be taken and put on display to show the kids what has been accomplished.

### ***Riding Arena***

#### *County Engineer Bob Szrot - Walden Riding Arena*

Bob stated that he visited the County Administrator at Walden on the prototype for the Rifle riding arena.

Bob went over the documents and blue prints, obtained some advice and the Administrator generously gave

him some plans to scan in. Bob added that within the next week the bids will be put out for the steel building and a determination regarding the cost for the structure.

#### *Letter of Thanks*

Chairman Smith said if Bob would draft a letter of thanks, she will be glad to sign it.

Bob said they have saved him several months of work trying to put all the contracts together. By changing a few words and dimensions, they will be ready to go on it.

#### *Removal and Relocation Steps*

Bob explained that Dale is double checking with Doug over at the Job Corp. In looking at the buildings and structure, Bob decided that he would number all the panels, organize, label and he has built pole barns in the past and is familiar with the process. Bob wants to be personally involved to ensure a good job. If Job Corp. can not help, then he might look at other entities that may be able to work with him. The time-frame is to have the buildings dismantled by the end of October.

Commissioner McCown suggested that Bob sign up and take the course at the Rifle Correctional on supervision of inmates.

Bob estimated the new building could be erected by June 1, 1999 and gives us 30 days before the Fair. Hopefully some footings can be poured before the end of this year.

Commissioner McCown asked if this was going to be included in the overall drainage plan. He advised Bob that prior to the new building being started there was a lot of work that needed to be done around the halls and grandstands.

#### *Library Update*

Bob reported on the Glenwood Library update saying the landscaping is going well. He visited with Jackie Sphuler and selected scenarios she liked. Bob will give these to Gil Jones at the Rifle Correctional Center. Bid requests will be put out for the west side concrete work and on the north west side. All the side walks are totally sunk in toward the Library and this is his highest propriety. Simultaneously he will be meeting on Tuesday with the City on this project.

Commissioner Martin mentioned approaching Robin Milyard at the City on loaning labor and/or equipment.

### **EMERGENCY MANAGEMENT DISCUSSION - GUY MEYER**

#### *Fuel Moisture Content*

Guy Meyer reported on the current fuel moisture content on 1000 hours is still below the standard.

#### *Flooding*

Guy mentioned two houses on Hwy.. 6 & 24 had some minor flooding in their basements, but nothing structural was damaged.

Govern Creek was full to its bank but never overflowed.

#### *Reudi Dam*

Guy reported that he called Gene Price and after things settle down he is supposed to get together with Guy for a meeting. Guy said he would give them another 30 days and then he will get with Eagle and Pitkin County and see what their thoughts are on the matter. Perhaps with three counties encouraging them to come and make an after incident report, they will. Statutorily they are required to do this.

#### *Airport Exercise*

Guy mentioned they were going to try an airport exercise with a different approach. On September 26 they will be doing a table top combined with a two hour training with ICS in the morning beginning at the Fire Station and followed by an airport tour. This will start about 9 A.M. This is in preparation for the full scale operation which will be in December.

### **PUBLIC MEETING: EXEMPTION FROM THE DEFINITION OF SUBDIVISION LOCATED ON THE NORTH SIDE OF THE RULISON/I-70 EXIT. APPLICANTS: HARRY AND RHONDA NAUGLE**

John Barbee, Don DeFord, Attorney John Savage, Harry and Rhonda Naugle were present.

Don determined that notification and publication were in order and advised the Commissioners they were entitled to proceed.

John stated this is an exemption from the definition of subdivision. The site for the exempted lots is located in Rulison Industrial Park. The proposal, as a residential use, is in conflict with the intent of the

Comprehensive Plan's proposed land use districts. The site is located at the I-70 Rulison interchange on the northwest side of the highway, seven miles east of Parachute. The proposed project calls for the parent tract of land to be subdivided and consists of 248.22 acres. The proposal calls for creating a total of one (1) parcel of 6.89 acres and one (1) parcel consisting of 241.33 acres. Access will be directly off Rulison Road for the smaller parcel, with an access easement crossing the smaller parcel to access the larger parcel. The application indicates that it is the applicants intent to seek rezoning of the property following exemption to a commercial zone. The applicant intends to operate an agricultural support business. Staff recommends APPROVAL, with the following conditions of approval:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lot, 25 ft. wide access to a public right-of-way, and proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.

That the applicant shall submit \$200.00 in School Site Acquisition fees for the creation of the exemption parcel.

That the following plat notes appear of the Final Exemption Plat:

"Control of noxious weeds is the responsibility of the property owners."

"One (1) dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owners property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption.

One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

" All exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

Prior to the approval of an exemption plat, the applicant will demonstrate that the exemption lot water system will meet the following:

(1) The applicant shall provide a service contract which guarantees a continuous water delivery service supply, with an assumption of an average or nor less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;

(2) The cistern and water quality over time, shall be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.

Commissioner McCown made a motion to approve the exemption from the definition of subdivision located on the north side of the Rulison/I-70 exit for Harry and Rhonda Naugle with the conditions as presented on page 4 & 5 of the project information and staff notes with an easement showing access to each lot and a shared use agreement for each of the parcels and striking condition number 6.

Commissioner Martin seconded the motion; carried.

#### ***Executive Session - Considine***

A motion was made by Commissioner Martin to go into an Executive Session. Commissioner McCown seconded the motion; carried.

A motion was made by Commissioner Martin to come out of an Executive Session. Commissioner McCown seconded the motion; carried.

#### **INTERAGENCY FIRE STATION - ENERGY IMPACT GRANT**

Don DeFord, Mike Morgan, Phil Vaughn and Fire Management Officer for BLM on the White River National Forest Pete Blume of 2815 H Road, Grand Junction were present.

Pete said as the fire management officer for BLM he has found that Garfield County Airport and Rifle Fire Protection District and BLM all had related fire needs. The Airport Authority, the rescue ability at the Airport, equipment storage for the fire protection district, and a fire station south of the interstate for BLM specifically left addition needs for a place that actually stationed a helicopter. So actually what started as a "what if" question actually materialized to something that was "maybe we can." The BLM obtained some funds they had been asking for a long time to build a bunk house. The Fire Protection District and the

Airport Authority had some money as well for their projects and began looking at the opportunity to do more cheaper by joining forces as a team effort. With Phil Vaughan help they turned their ideas into some designs and some harder cost estimates. Unfortunately, the cost of what they wanted and what they estimated was available to do this didn't match. Pete passed around the site plan and elevations they have designed up to now.

Chairman Smith asked Pete to clarify for the benefit of the press in the audience that he didn't first go to Phil and it was actually an elimination process of how they ended up being in contact with Phil.

Pete explained that through a competitive bid process they put out a prospectus asking for proposals of different general contractor design companies to do preliminary design and cost estimates for them. They had three proposals and toured some facilities each had built. Phil was the successful bidder on this phase of the project. In some combined meetings the various agencies began the process of eliminating and stressing those factors most needed in the facility.

A few months ago firm cost estimates were available and there is a great disparity in the projected cost is and what is budgeted. Going from there, they've looked at scaling back, striking various things from the project, and phased construction. At the same time they have been looking for other sources of funding. One thing the BLM National Office has agreed to do is to give them 50 cents for each dollar of outside nonfederal money they can acquire for the project up to \$150,000. Therefore, if they can acquire some more money they can add this \$150,000 to what they already have.

Pete clarified the difference between what they have and what they need is nearly \$500,000. They have \$565,000 committed from the three entities and the additional \$150,000 from BLM, if outside money can be obtained. At this point they were hoping to ask for the difference through an Energy Impact Grant in the October 1 grant cycle.

Pete said the main purpose for being before the Board of County Commissioners today was to update them on the projects and answer any questions and to try to seek a high priority among the various project the County may forward for energy impact grants. He named two main reasons - one being the amount of hurdles they have to go through just to make this project happen and secondly this is not "multi-year funding" meaning you use it while you have it or you lose it. This has successfully been carried over for one year, but he is leery of asking to do it a second year.

Phil Vaughn stated there is a contract with the County to do a schematic design and that is what they have done to this point. Architect Chuck Brenner is a member of Phil's team as well as Bob Otto on the preliminary foundation design including a soils study on the site.

Ed inquired what could be some of the options.

Phil said cost estimates have been run. They have given the schematic design to the group and a number of options were suggested. He explained those as: 1) getting rid of the masonry on the outside of the building and using the structure opt panel which is a stucco covered steel panel for use on the exterior; 2) getting rid of the two awnings on the outside; and 3) asphalt and concrete on the outside of the building replaced with gravel.

Ed asked what approach Phil would use and what the amount would be?

Pete stated that in order to stay within the amount they have it would require significant cuts to the building such as bays eliminated, the second story of the building eliminated, and the dilemma would significantly impact both the crew quarters where the bulk of the BLM dollars were targeted and the potential for office space and meeting rooms. They were going to have people stationed there as opposed to a volunteer fire department setting, so the smaller the building the more the impacts on the operations. Pete stated they would need the \$300,000 to get the full \$150,000 of the federal money. Tim Sarmo has been supportive for energy impact funds.

*IGA*

Don asked Pete regarding an IGA with the Fire Districts, County and BLM specifying who is responsible for what cost, etc.?; would this be necessary prior to receiving any funding?

Pete said yes he would need that information and the reason this hasn't been done up to now is the lack of concrete figures on what the cost of constructing the facility would be. However, before obligating any more money they would need an IGA.

Commissioner McCown stating this would need to be in place prior to the Energy Impact Grant request as well.

Don mentioned the Energy Impact Grant is due by October 1 and questioned the time frame for getting an IGA in place.

Discussion was held regarding a memorandum of understanding or a letter of intent versus an IGA.

Don said either one would take about as long and the issues that would have to be resolved included: who will be the contracting agency and responsible for that; what share of cost will each of the entities bear in the final project, etc. This may regard the Fire District and this Board's decisions.

Pete mentioned the holdup at first was due to knowing if this idea was even feasible.

Commissioner McCown questioned if this would be a three party applicant or a single applicant in a three party agreement?

Don mentioned from his perspective that the Fire District should take the responsibility for being the contracting agency since they own the property and should be the owners of the building. Therefore responsible for the structure enforcing the warranties for construction, the maintenance, etc.

Mike mentioned in discussions with the Fire District, they are willing to be the lead agency with Garfield County and BLM as participants. The paperwork and process have been started.

Chairman Smith mentioned as far Energy Impact, this facility has the potential of bringing multi-use to the Airport and it has been advantageous to have the chopper and BLM present.

The question arose if the Airport Authority should be a part of the contracting authorities.

Barry Hamilton said he didn't see any advantage of this.

Don inquired if the County and Fire District have to commit to a certain level of funding in order to go forward.

Pete said he believed they did and the numbers currently from BLM is \$100,000. As far as a specific motion allocating this amount it has not been made but could be before the application was turned in. The other numbers being looked at is \$160,000 and \$20,000 with another grant.

Barry Hamilton stated if the Rifle Fire District owns the building the Airport Authority has no objection to that but they would not be eligible for the State Department of Transportation grant which is on hand although no funds have been drawn against it. He clarified that the grant says that the Airport Authority must ensure that the County owns the facility and some other problems regarding transferring of the land would be an additional problem.

Chairman Smith reiterated that the land was donated by Bob Howard and it states in his PUD that he has to have a fire station location included and this land has been transferred to the Fire District.

Mike Morgan said if it was a shared ownership between the Fire Protection District and Garfield County he didn't think the Board of Directors at the Fire Protection District would have any problem with that at all.

Chairman Smith mentioned the County might however.

Barry Hamilton commented for the Airport Authority that they wanted to do what worked best.

Mark Bean said he thought the \$20,000 was supposed to be used for the design portion of the schematic. More discussion.

Don said the direction seemed to be toward a letter of intent and asked the Board if he starts putting this letter together that these are the levels of funding they will be looking at as part of the application and not anything higher than \$160,000.

The Board agreed and mentioned they needed to raise another \$300,000 to get the other \$150,000. At present the total is at \$565,000 and need another \$450,000 to reach the goal.

Additional discussion was held with respect to phasing, maintenance by Rifle Fire Protection, and determining that the cost of maintenance including utilities and similar items would be broken down on a proportional share of use. At the present, the County would be using 2 bays, Rifle Fire with 3 bays, and 3 bays for BLM, therefore the maintenance of cost would be broken out his way percentage wise. On the office portion of the building, the majority would be BLM; the common areas - rest rooms, meeting rooms, etc. - would be broken out by the anticipation of square footage basis as to use. This will all be addressed in the IGA.

Pete commented they had taken a spread sheet and tried to assign the percentage of use by the different agencies and had determined BLM - 50% and 25% and 25% spread between Rifle Fire Protection and the County. This was accomplished while Chuck Deschenes was here meeting with the group.

Dale Hancock was suggested as the County's resource to use in assisting with this Energy Impact Grant Assistance with Mike, however the Board directed Ed to appoint staff to assist.

Don suggested then that the Board authorize the Chair to sign a letter of intent to go forward with construction of the Regional Airport Facility joint-use Fire Station pursuant to the terms as discussed today concerning ownership, maintenance and funding for construction.

Commissioner Martin so moved and directed the County Attorney to draft the letter.

Commissioner McCown seconded; carried.

The drafts are to be sent to Mark Morris, District Manager, BLM, Grand Junction Office with a cc: to Pete Blume.

### **JAIL DISCUSSION: UPL SITE ASSESSMENT - URS MODIFIED ENVIRONMENTAL SITE ASSESSMENT/WALSH ENVIRONMENTAL SCIENTISTS AND ENGINEERS, INC.**

Dale Hancock, Don DeFord and Betty Hollenbaugh were present.

Dale distributed the reports a week ago from URS and Walsh Environmental. Those reports were discussed; questions addressed; and findings were determined.

#### ***Hollenbaugh Site***

Commissioner McCown noted that the mill tailings radiation at the Hollenbaugh site "may" be in the report but stated it didn't create any alarms.

Betty Hollenbaugh said a Department of Health did a report on the site and the water and made no mention of tailings. She stated the site was deemed appropriate for a jail or a school.

#### ***UPL Location***

Commissioner McCown inquired as to the jail design and had how many beds were originally planned. It was determined that in order to reach 300 beds it would require 5 stories and 76,000 sq. ft. and would mean tearing down the existing site for parking.

Commissioner McCown added that it would be short-sighted looking at anything under 300 beds and they short-sighted at the UPL site with no expansion. He suggested by having enough property to build pod designs and then be able to rebuild in sections makes more sense to him. As to the cost to Glenwood and Carbondale the possibility of operating a holding facility in Glenwood Spring was mentioned. In doing this, however Carbondale and Glenwood would be expected to contribute.

Discussion was held on the length of time they can be held in a holding facility and running a bus service to move those inmates to the main jail.

Chairman Smith mentioned her concern at having a holding facility here in Glenwood for fear it would lead into a full blown jail.

#### ***Airport Site***

Dale mentioned he had a meeting scheduled with Bob Howard next week to discuss site locations.

#### ***Salt Plant***

Commissioner Martin mentioned he was still trying to obtain information on this site and would like to keep it open for discussion at next week's meeting.

A decision will be made next week, September 21, 1998 at noon.

### **ROAD AND BRIDGE DISCUSSION**

King Lloyd and Bob Szrot were present.

King handed out his report that included the proposed draft with the Forest Service regarding the gravel crushing contract that Rio Blanco and Garfield County would participate in with the Forest Service. King said the contract is a standard form and he and Allen will meet this week to discuss the dollar amounts.

The volumes being talked about are unknown, but it appears that the Forest Service has committed to participating no more than \$165,000.

The provisions by Garfield County were discussed.

King said he will get with Rio Blanco and the Forest Service and work on some language and bring it back to the Board.

#### ***Sanding Material***

King presented a report and summarized that the most acceptable material would come from Roaring Fork or Western Mobile; with transportation cost added, Roaring Fork is the cheapest.

#### ***Gunnison Snow and Ice Competition***

King reported there were between 50 and 75 competitors. Bob Hammond finished 4th in the single axle;

Randy Gorsett 1st place in the Back Hoe and Butch Pressler 1st place in Horseshoes.

In the Grader contests: Vernon Murray finished 6th; Burt Garlitz - 7th; Ted Morgan - 8th and John Prehm - 9th. In the Loader contests: Ted Morgan finished 8th; Randy Gorsett - 11th and John Prehm 13th.

Therefore, King was real proud of the guys. Marvin attended the conference and reported it was very good.

### ***Flash Flooding***

Flash Flooding was experienced at the Landfill; Anvil Points; Main Elk; and Silt Mesa had a possible small tornado that went across there.

### ***Gas and Oil Drilling - Landfill***

King mentioned since Garfield County owns the Landfill, we will be called upon to negotiate service rights with Barrett Oil. BLM owns the mineral rights and Garfield County owns the surface rights.

### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Gene Park Grand Valley Citizens Alliance and Carol Frederick were present.

Gene handed out a book regarding the environmental impact statement on BLM since June 19. He said it outlined some things that need some new direction for BLM and weaknesses that show up.

The deadline for comments is September 17 and Gene quoted "if the County or any other interested party does not submit written comments on the Supplemental Environmental Impact Statement (SEIS) they will not be allowed to comment on the final version or have any other input at a later date."

Carol Frederick developed a letter that she submitted to the County outlining the issues and points considered to be key areas that need to be addressed with the BLM so stricter reclamation and locating standards would be applied.

### **PRESENTATION: KING LLOYD - EMPLOYEE SICK LEAVE REQUEST**

All the elected officials were present: Georgia, Tom, Steve and Mildred.

King requested a donation of time for one of his newer employees who has a chipped vertebra in his neck. He added this employee is a hard working employee.

Discussion was held with respect to the new Personnel Policy that has yet to be finally adopted but addresses this in a different way than is in the current Personnel Policy.

Mildred read, the old policy states: "any employee may donate one day of major sick leave to another employee per year. No employee shall be able to accept more than 20 donated days of major sick leave each year. No employee may donate more than 3 or their major sick days to any other employees annually in a calendar year." She stated the new policy has not been finalized as far as specifics and Allen will be working on this as part of the Appendix for supervisors.

Tom mentioned he has two employees currently on hold until this issue is resolved.

Allen Sartin explained the problem to the Board. He suggested, if the request is valid and has merit, it would be paid as additional sick leave, technically "leave of absence with pay." It is budgeted in the budget for the employee.

Allen mentioned the IRS regulations on the donation of sick days prohibits any further operation under this type of former policy.

King explained the situation and why he was asking.

Allen recommended to approve a limited amount - this method was used at Eagle County and City of Grand Junction. There is no discrimination as long as you use a rational basis and remain consistent in what you do. Allen feared a single formula.

A motion was made by Commissioner McCown to allow this employee 20 days paid leave. Commissioner Martin seconded; carried.

### **BOARD OF HEALTH**

A motion was made by Commissioner McCown and seconded by Chairman Smith who stepped down as Chair to go into the Board of Health; carried.

Lisa Pavlisick, Director of Healthy Beginnings and Jeannie Nicholson, Nursing Consultant from State Health Department on a field visit were present. Mary added that Jeannie is also the acting director for the Community Health Nursing Section of the State Health Department.

### ***Program Updates***

#### ***WIC***

Mary reported a case load of 1,000 and a financial audit is scheduled for October 16 by State Health.

#### ***Immunization - Back to School***

Mary said the back to school immunizations is winding down and staff is gearing up for the flu vaccine campaign.

#### ***Healthy Beginnings***

The Aspen Foundation site visit went well last week and the State Health site visit as well in August. Lisa brings a lot of enthusiasm to the program and is very talented in grant writing.

#### *HCP Program*

Cardiac Clinic last Thursday and it was at capacity; Neurology Clinic this Thursday.

#### *Well Health Child Program*

Mary said they are at capacity and did 24 well health exams in the month of August.

#### *DDST Screening - Vision and Hearing*

Mary reported 120 children were screened this year.

#### *Satellite Clinics*

Well baby checks are increasing and Back to School - Hepatitis B clinics are going on in Parachute.

Carbondale Clinic is very busy. In New Castle they are doing some well baby checks and immunization are growing but the busiest clinic is Carbondale.

#### *Space in Carbondale*

Bruce Christensen has a log cabin located on some land that he also has a group home and he is willing to allow them to use the cabin as office space in Carbondale. The amount will be just what it costs for utilities. But they have to fix up the cabin and will be looking for grants. Volunteers and Workenders may be used for painting and other things.

Chairman Smith suggested the Press might put something in the paper saying they are looking for help.

Mary said this entails going before the Carbondale Town Council for a Special Use Permit for water.

The Board suggested she look to Mike McBreen for insurance assistance for contents in the building and to look at an extended lease with Mountain Valley.

#### *Regional Task Force*

October 1 at 6 P.M. there is a task force meeting and they are looking at a lot of unmet dental needs for children and adults. They are trying to get the Kine Van over from the Denver area.

#### *Inner Agency - Child Find Effort Task Force*

This is becoming more of a County-wide group.

#### *Prenatal Regional Task Force*

Mary said that Eagle County will start up on October 1 with their prenatal clinic and will be working with nurses and midwives in with El Jebel and Basalt to the KOA Campground. This reduces the current Garfield County by 15 - 19 clients.

#### *Grand River Medical PreNatal*

They will take the Medicaid and low income clients. The State has put more slots in the contract this year and they will be able to voucher and pay them for covering the clients. This means a more manageable case load for Healthy Beginnings this year.

#### *Pediatric Access Summit*

Mary handed out the minutes to the Board and said the Summit Meeting brought together Regional Health professionals from a number of different areas. Private providers, nonprofit organizations and resource people from State Health were present. There were four major emerging themes in the "big picture" which were Access; Levels of Care Pediatrician Recruitment, Retention and Reimbursement; and Capacity for Pediatric Care. They have looked at models and they will present the information.

Jeannie Nicholson - Department Of Health - Public Health Nursing Consultant for Garfield County said she was a Public Health Nurse for a few years in a former rural area before she went to the State. Her role is to provide technical assistance and resources to both Mary and the Board of County Commissioners as the Board of Health. They are a resource to the Board. Her assessment of Public Health in Garfield County is that she is extremely impressed with the programs, leadership and staff. They never stand still and are working on the cutting edge with current issues. One exception here is that Mary works extremely well with the community. Community partners is the best method. A model like Mary has designed is very successful. The State appreciates her.

The Board agreed they did as well.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of the Board of Health; carried.

#### *HB - Footnote #168*

Jeannie mentioned the Footnote #168 to the Joint Budget Committee has the advantage that the County would get funding for services for Public Health whether they be TB cases or anything else they need to address and could define at a local level in case the caseload goes up in TB or whatever else that the funding will help. Therefore the Commissioners should contact the Legislators and voice their support for the funding. They are hearing from the State Department of Health but not necessarily from the County Commissioners and that would be helpful.

### ***Contracts***

#### *Tuberculosis Control Services*

Mary presented the contract for the Garfield County Public Health Nursing Service from July 1, 1998 to June 30, 1999 for \$7679.00 to provide Tuberculosis Control services.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Contract for \$7679.00 for TB services; carried.

#### *Contract Renewal Healthy Beginnings*

Mary stated that Don has reviewed the contract.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to renew the contract for Healthy Beginnings for \$155,250.00 that includes \$49,500 for 49 diagnostic tests and \$31,500 for Prenatal Plus Enhanced services to 70 women.

### ***Restorative Justice***

Mary mentioned the Restorative Justice Program and how this ties into the Family Visitors Program.

### **DISCUSSION: CLAIM COUNTY ROAD 149B**

Vance Wagner, King Lloyd, and Don DeFord were present.

Don submitted the letter dated August 10 from Vance Wagner as well as a plat compiled by the County Surveyor.

Don gave a review saying this was discussed with the Board of Commissioners last meeting and had asked him to contact Mr. Wagner and have him come before them today about the situation and the various requests that he set forth in his letter of August 10.

Vance Wagner provided the background saying in the meeting June 22, there was a question in regards to the property line and an unrecorded plat map that was being used as a reference point by the County.

Vance said what really should be used is the legal description that is of record showing how property is conveyed and transferred.

Vance said that the cul-de-sac was bulldozed extensively. The entire cul-de-sac or turnout lies on his property.

Discussion was held with respect to whether this was a legal roadway; the Cheyln Acres proper, whether the roads were dedicated within the subdivision; and whether or not Road and Bridge has a legal right of maintaining this area.

Vance Wagner referenced a letter he had received from Garfield County Road on May 20, 1998 regarding notice that he and two other neighbors were obstructing County Road 149B turnaround located at the south end by vehicles, including trailers, as well as garbage containers and giving director orders to remove immediately.

King stated that this had not been sent by Road and Bridge and the Commissioners made a commitment to investigate the letter and try to determine the originator.

Vance Wagner mentioned he did not believe that his neighbor Bruce Lewis wrote the letter.

King stated how widening of the cul-de-sac came about and it was communicated by the neighbor that he owned the property and gave permission to widen the area for a turnaround. King said when Vance called and his workers were notified of the discrepancy, the work ceased immediately. The Under Sheriff was contacted to go up and sort out who owns what. King said they put the project on hold; nothing was touched and the project was never finished. Seal coating went on in the other designated areas. No cleanup was done.

Commissioner Martin asked Vance if he wanted a turnaround there?

Vance Wager thanked Commissioner Martin for asking and said he had reservations due to wanting to keep his privacy on his property. However, he does want to have Road and Bridge provide services.

The problem was solved by a decision to: 1) have Sam Phelps provide information on the survey to the Board and 2) after that is reviewed, define a solution as to what can be done for Vance Wagner. King contact Sam to come in next week and then contact Vance Wagner if they will be meeting.

A time was set for 1:00 P.M. under Road and Bridge's time for the September 21, 1998 meeting.

**PUBLIC MEETING - EXEMPTION FROM DEFINITION OF SUBDIVISION LOCATED APPROXIMATELY 6 MILES NORTHEAST OF CARBONDALE, OFF OF UPPER CATTLE CREEK ROAD. APPLICANT: SARAH MCNULTY**

John Barbee, Mark Bean, Don DeFord and Sarah McNulty were present.

Don reviewed the notification and posting requirements. The difficulty is the notice, it required 15 - 30 days notice. Don stated they cannot count the date of mailing and the date of the hearing therefore this doesn't give us the required 15 days. Other than this, the notification complies with the regulations.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to reset this for October 12, 1998 at 2:45 P.M.; carried.

**PUBLIC HEARING: PRELIMINARY PLAN - ST. FINNBAR SUBDIVISION LOCATED APPROXIMATELY 3 MILES EAST OF CARBONDALE OFF OF COUNTY ROAD 100. APPLICANT: ST. FINNBAR LAND COMPANY**

Mark Bean, Don DeFord and Ron Liston of Design Partnerships were present.

Don DeFord determined that notification was in order and the Board could proceed.

Ron Liston submitted a letter of request to have this matter extended for at least 60 days.

Chairman Smith swore in the speakers.

Don asked that the time frame be waived through November 16.

Ron Liston agreed.

Mark submitted the following exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned receipts; Exhibit C - Application and Attachments; Exhibit D - Project Information and Staff Comments; and a letter as Exhibit E - dated 9/14/98 from Ron Liston requesting a continuance for approximately 60 days due to issues of sewage treatment.

Mark stated that the State of Colorado is holding the application for the time being. The conditions cannot be met and suggested it be continued until November 9 at 2:00 P.M.

Chairman Smith admitted A - E into the record.

Commissioner Martin made a motion and seconded by Commissioner McCown to continue to the 9th of November and a final decision to be rendered by November 16; carried.

Ron clarified he could not verify that this would be resolved by November 9 and he was very pleased with the cooperative efforts of Mark Bean.

Chairman Smith clarified that Ron could ask for another continuance on November 9 if nothing has been received from the State.

***Executive Session - Sierra Pinyon***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of an Executive Session; carried.

***Sierra Pinyon Subdivision***

Jim Leuthueser and Mark Bean were present.

Jim commented that he was prepared to settle and include a reinstatement of the final plat as Barton Porter had submitted a letter from the engineer certifying the work on the road had been completed according to the specification and conditions of the County

Commissioner Martin made a motion to authorize the Chair to sign the reinstatement final plat for Sierra Pinyon and to dismiss the claim. Commissioner McCown seconded; carried.

**PUBLIC HEARING: PRELIMINARY PLAN FOR THE LACY PARK SUBDIVISION LOCATED ON THE SOUTH SIDE OF THE WEST RIFLE/I-70 INTERCHANGE. APPLICANT: LACY PARK LLC**

Mark Bean, Assistant County Attorney Jim Leuthueser, Joe Hope with High Country Engineering, Dave Johnson, Bob Szrot and Mary Meisner were present.

Jim Leuthueser determined that notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark submitted the following exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Project Information and Staff Comments; Exhibit E - Document Grand Junction Laboratories; Exhibit F - Memos from the County Engineer; Exhibit G - Letter dated June 22, 1998 from State Geological Survey; Exhibit H - Letter from the Division of Water; and Exhibit I - an E - Mail from Wendy Naugle to Donald Metzler.

Chairman Smith admitted Exhibits A - I into the record.

This is a Preliminary Plan for the Lacy Park Subdivision on a 21.777 acre tract of land located approximately southwest side of the West Rifle I-70 Interchange. The property is bounded on the south by the D&RG railroad and on the north by the I-70 frontage road. There is a small gulch toward the middle of the property and the proposed Lot 3. The remainder of the property is relatively flat and has sage and natural grasses, with applicant's contractors yard on the proposed Lot 2.

The application is proposing a split of the tract of land into five (5) parcels ranging in size from 3.515 to 6.260 acres in size. Access if from the I-70 frontage road.

Mark expounded on the E-Mail from Wendy Naugle on the discharge of the reject water.

Joe Hope explained that at the site location, the City of Rifle had determined that there was not adequate pressure to provide for fire protection and household use for City water.

Commissioner McCown questioned the availability of water and water pressure stating that due to the interest of the County on the Hollenbaugh property for a jail site, they ran the hydrant at the Hollenbaugh Property and there was adequate pounds into the existing water lines. Therefore, he suggested that Joe check the pressure again. Commissioner McCown explained that the City wanted the County to build a loop down 2nd Street to tie it back in. It tested at 140 pounds of pressure.

Joe mentioned he wasn't aware that the test came out with those readings and would contact Mike Morgan. He also mentioned that the City had indicated they did not want to annex that area.

County Engineer Bob Szrot mentioned that if the water is available but not pressure, they should look at a booster pump.

Joe Hope commented that they mentioned a booster pump but the City of Rifle wasn't interested in maintaining this. Tim Moore wanted a million gallon tank on the property the County is considering for the Hollenbaugh property to provide pressure to the entire West Rifle Area.

Chairman Smith mentioned for Joe to see if there was a possibility of tying into the City water.

Joe agreed to call Tim Moore and see if the City was amenable to this.

Bob Szrot added that in addition to doing the 208 Water Quality Plan and dealing with potable water, that if he gets a lot of resistance from the City, there is a possibility of the State assisting since they want everybody on a central system.

Commissioner Martin mentioned that he had 10 areas of concern with the reverse osmosis system that bothers him.

Chairman Smith said she found more than 10; she found about 15.

Joe said he understood the Commissioner's primary concern is the issue of water and added they would like to move forward and solve the situation of water.

Bob Szrot commented on pages 13 and 14 of the packets and made recommendation of amending the blue print sheets.

Joe agreed that there was no problem.

Public Health Director Mary Meisner commented on the storage ponds for fire protection and this was a concern for her. Putting in the septic system would not be a problem. She was concerned for small children getting into the ponds.

Bob commented on the fire protection ponds and the feasibility of putting some kind of cover made of fabric over the pond to reduce the evaporation and the second thing is to eliminate, even with a fence, the potential of climbing the fence. It adds one more layer of protection.

Recommendation:

That the Planning Commission recommended approval of the proposed subdivision subject to the following conditions of approval.

All representations of the applicant, either within the application or stated at the public hearings before the Planning Commission shall be considered conditions of approval unless otherwise stated by the Planning Commission.

This subdivision is a residentially zoned subdivision and any commercial/industrial use will be subject to public hearings and require approval of a special or conditional use permit. Additionally, not more than one principal use is allowed on any lot.

A Final Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lot, access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities, and include the following plat notes:

"Soil conditions on the site require engineered septic systems. As a part of the building permit application, a site specific individual sewage disposal system design by a registered professional engineer in the State of Colorado, shall be submitted with the building permit application."

"All buildings shall submit engineered plans for the footers/basements consistent with the recommendations contained in the geotechnical report prepared by CTL/Thompson, Inc., dated 4/30/98 and identified as Job No. GS-2354."

"The area surrounding the properties in this subdivision is agricultural in nature and some agricultural practices may not be compatible with rural residential land uses, but the agricultural use has priority over the residential use."

"Control of noxious weeds is the responsibility of the property owner."

"All construction shall be consistent with USFS Wildfire Prevention Guidelines."

"No open hearth solid-fuel fireplaces will be allowed; each dwelling unit or building will be allowed one (1) new wood-burning stove as defined by C. R. S. 25-7-407, et. seq., and the regulations promulgated thereunder; and there will be no restriction on the number of natural gas burning fireplaces or appliances included in the protective covenants."

"One dog will be allowed in each residential dwelling unit in the PUD. This requirement will be included in the protective covenants, and will be enforced by the homeowners association."

"The potable water supply for this subdivision is substandard and requires treatment by a reverse osmosis process to eliminate potential radioactive and other impurities. It will be the responsibility of the homeowners association to inspect and maintain individual systems on an annual basis."

The covenants shall require the annual inspection of each individual water treatment system by a licensed water treatment operator acceptable to the County Engineer, at a cost to the homeowners association. The engineer will certify in writing that the systems are functioning as designed and that the water quality meets the public water supply standards. It should also be noted in the covenants that the water has radioactive contamination that requires specific treatment to remove the impurity.

That prior to the approval of a final plat, the Rifle Fire District will approve the design and location of the proposed pond for fire protection water.

The water system shall be designed to centralize all of the reverse osmosis treatment systems around the well head.

The applicants shall recalculate the water rights for all lots based on the reject water being stored in a lined water pond and a determination of residential and industrial uses. And a redesign of the water system by a qualified professional acceptable to the County Engineer, prior to Board of County Commissioners approval.

Staff would suggest modifying Condition No. 6 to read:

6. The water system shall be designed to centralize all of the reverse osmosis treatment systems around the well head and develop covenant restrictions consistent with the recommendations of the Garfield County Engineer in a September 9, 1998 memo.

Given the most recent comments from the County Engineer, Health Officer and the Colorado Department of Public Health and Environment regarding the reject water, staff would suggest that further analysis of the reject water would be appropriate and possibly the redesign of the fire protection measures. This is based on the assumption that the applicant cannot demonstrate that the fire protection water is safe.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner McCown to approve the preliminary plan for the Lacy Park Subdivision, the recommendations of staff and County Engineer with the additions to condition number four (4) that would indicate the pursuant of Rifle Water as the primary source of potable water which will also eliminate the need for a fire protection pond; size of the fence would be 6 foot preferable a chain link fence surrounding the pond; the condition of Rifle providing water is based on the condition if the City has enough pressure then City water should be provided; and in the event this is not feasible, a centralized reverse osmosis system maintained by a licensed operator; improvements to be made by the Homeowner's Association as in the recommendation. Commissioner Martin seconded the motion; carried.

**STATUS ON ROADS - ELK CREEK SUBDIVISION**

Jim Leuthueser presented and said this is a proposed subdivision and involves the letter received from Nathan King. Since Elk Creek Subdivision was proposed, it has been withdrawn. However, the idea for it and the intent is still there. The concern is this and how the County became involved: at this particular location, there is a house. One day Mr. King received a call and what is happening is this: this area is a slope and the Road and Bridge equipment is peeling away the toe of the slope and Mr. King is not happy about it because the ability to drive up the street onto his property is now next to impossible.

Chairman Smith noted that his legal access is not from Elk Creek.

Jim agreed, the access is not really designated and what he is looking at is a loop through the two lots off of the two roads. He complained to the Sheriff and Mr. King wants the individuals responsible to fix the County Road. Additionally, the road that runs through the property has a shed in the middle of what is designated as his road. Jim showed the Board the original plat which dates back to 1965 and recorded but it dedicates the streets and avenues to the public use.

Chairman Smith agreed and said they are not County Roads.

Jim added that the County has never maintained these roads despite requests to do so. What this comes down to is this - Mr. King wants the County do two things: 1) pursue it's County Road to clarify and make it legal for him to seek an injunction to get.....

Chairman Smith mentioned there was a real battle over this.

Jim mentioned that King Lloyd said the roads have designation as County Roads with numbers for mailing and address purposes and the other thing is that for all the houses out there, if there is a 40 foot right-of-way, it goes literally through houses. The other thing is that over the past 10 years there has never been a County Driveway Permit issued for these roads even though there has been construction of modulars out there. Therefore, the County has not treated these as County Roads for this purpose. The dispute came to a head when Steve Hackett sent the Codes Violation and received a complaint that the road has been cut away and the other complaint is that there is a shed in the County Road. The response of the Vice President of the Homeowner's Association said it is not a County Road.

The Commissioners agreed that this was correct.

Jim asked for the Board's direction in this matter. Nathan King has filed a civil suit.

The Board determined this is not and never has been considered a County Road and directed Jim to notify Nathan King's attorney that it is not a County Road.

**DISCUSSION: STATUS OF ROADS - SIERRA PINYON**

An Executive Session was held earlier in the day and a phone call was made to inform Barton Porter that the road met specifications and this had been dealt with.

Recess until Tuesday at 3:00 P.M.

Attest:

Chairman of the Board

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**SEPTEMBER 15, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The CONTINUED meeting of the Board of County Commissioners began at 3:00 P.M. on Tuesday, September 15, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 3:00 A.M.

**AFFORDABLE HOUSING DISCUSSION**

County Attorney Don DeFord, Tim Thulson and Tom Beard were present for the discussion. Don stated the requirement of the Commissioners with Rose Ranch to initiative an affordable housing component within their PUD as part of the conditional approval is what prompted this meeting. Tim Thulson and Don have been discussing various methods by which they could achieve that objective. One of the areas discussed included some type of deed restriction and enforcement of the deed restriction. Also they are trying to deal with the language in the Telluride Case that puts some pretty severe limitations upon the ability to do rent restricted affordable housing however, this is one area the Rose Ranch would like to explore. Don stated there is a substantial amount of Garfield County's population that relies on rental housing. Therefore, in looking at all of these issues it appears that one or more scenarios may require transfer of some type of property interest to the County, the Housing Authority or some entity in the form of deed restricted covenants and then require some enforcement authority in the entity to hold that covenant. This would be needed to ensure that future affordable housing would be available. This is the concept being discussed today. Don said in the end the Board of Commissioners would be responsible for seeing that the policies are put in place.

Tom Beard of the Housing Authority and Tim Thulson, Attorney for Rose Ranch presented their views on the affordable housing issue.

Various possibilities were explored in-depth including the potential of imposing impact fees on the developer and/or develop an agreement with the Housing Authority to perform a function for the County.

***Sub-Committee***

Commissioner McCown summarized that a Sub-Committee was being suggested under the Housing Authority that would actively work and attack this Affordable Housing problem be it management, attainment, continuing to try to generate more and then that Committee reporting back to the Housing Authority.

Tom Beard mentioned that the Housing Authority has a pretty full agenda just monitoring the HUD programs, however the new director has an interest in expanding her scope as well. Therefore, Tom was attempting to bring as many resources in as possible on this due to the timing issue. The groups that have been working in housing issues during the past four years have not been connected and some overlapping of resources. Next Tuesday, the Affordable Housing is going to try to gather all of these groups together along with various individuals and define certain objectives.

Chairman Smith suggested Calvin Lee and Reid Haughey to be included.

***Land for Building and Rentals***

Commissioner Martin didn't want to drop all of this onto Rose Ranch with 29 units. He mentioned that he was looking for lots that people could buy and build their houses and have first ownership; then work out the problems. He stressed this was more than Rose Ranch providing apartments for rent.

Tim Thulson added if discussion was about land, Roaring Fork Investments subdivide land, they do not build homes. How you get simple deed restricted units requires a lot of various things to be considered.

Tim Thulson added if there is a strong authority that has programs, there is a lot of options that they can take with this such as land trust with a developer. This supports his reasons for having an authority.

Chairman Smith mentioned the Housing Authority should be the authority. Sheila's background includes working with a lot of concepts in Minnesota. Part of the reason these ideas have not been explored in the past was due to a lack of expertise.

### *Direction and Discussion*

Tom Beard suggested getting John Schenk and Don DeFord together and see what is the most efficient entity and then the interested group can decide if it would be better as a Housing Authority Sub-Committee or an Affordable Housing Corporation.

Don DeFord mentioned that for the Rose Ranch, from a staff perspective, they are working on developing general applicable regulations. Rose Ranch serves as a good test for the staff and a good example of the type of regulations needed so that what is developed to deal with this particular issue will also guide the future regulations.

Don reminded the Board that Rose Ranch would have to come back before the Board with an amendment and at that time the Board can deal with the specifics of Rose Ranch when they are in front of them.

However, some general guidelines were needed by the developers of Rose Ranch in order to know how to develop their proposal to the Board and in order for the Housing Authority to know what's expected and what they can expect from the County.

Commissioner McCown said that 1) the County is not in a position and he doesn't favor creating another level of bureaucracy in the County to handle these type of things. And 2) there is a Housing Authority that is a countywide authority and they are the logical entity to handle this. If it's their choice to handle through a subcommittee reporting back to the Housing Authority, then this would be their decision. He said he would make a motion to that effect if needed.

Don said not yet, the other side of that is the funding question and from experience with the Housing Authority that because they are primarily funded through federal grants the administrative dollars to run that agency are very limited especially for legal advice. The question remains if the County is committed to funding since they are naming the Housing Authority as the entity to handle the Affordable Housing issue.

Tim Thulson mentioned that Ron Heggermier will be reimbursing John Schenk's time for working through this for Rose Ranch.

Commissioner McCown mentioned allowing the Housing Authority to come back with what they feel is going to be the expenses occurred in this endeavor and then some type of an assessment fee can be established; and not only for Rose Ranch but for everyone that this involves in the future.

Tom Beard said he would discuss this potential cost with the Housing Authority director Sheila.

Commissioner McCown mentioned the regulations could be set up but the developer needs to have flexibility to come in and made suggestions as to their individual plan to cover the Affordable Housing issue.

Don mentioned that some developments are smaller and on-site Affordable Housing may be difficult to deal with for these. These are issues that need to be addressed.

Tim Thulson inquired if Affordable Housing was only being considered for PUD's?

Don DeFord mentioned it was at the present time but in the future it might not be limited just to PUD's.

Commissioner Martin mentioned the goal is for finding a formula that works for Rose Ranch and for every other development.

Commissioner McCown focused the discussion to the employers and said they need to be a big part of this Affordable Housing concern and hopes that Tom Beard includes some of the major players in this process such as Holy Cross, CMC, Valley View Hospital, etc. If these people didn't have jobs, then they wouldn't need to come and live here. Service intensive jobs do not pay that well in this area; and there are other contributing needs for Affordable Housing that must be considered.

Tom said he has names of specific individuals and groups and the meeting next Tuesday may not be the final group but after the group is formulated he will submit a list to the Board of those serving.

Ed Green suggested formulating a profile of what the need actually is.

Tom added that is why it is so important to have the business community help the employment community, the governmental entities cooperating with each other and private citizens who are willing to spend the time trying to hammer out answers that don't require a lot of staff but sometimes once you get the answers, the staff comes next because you have to manage the program.

Chairman Smith suggested that Tom mention to the Housing Authority Board that they may want to consider adding additional Board Members to compensate for this additional workload.

Tom clarified the direction as - the first step is to try to put an informal group together and then see where this goes; then go to the Housing Authority to make sure that they are comfortable with where this is going; and then the next thing would be to put Don DeFord and John Schenk together to work out the legal

dynamics of what's the best entity to create. Tom added that he will discuss the funding mechanism with Sheila, the Housing Authority director. Chairman Smith suggested that Tom pull in the Hot Springs Lodge and Pool as they have a high count of employees.

***Adjourn***

Attest:

Chairman of the Board

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**SEPTEMBER 21, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, September 21, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green; Assistant County Administrator Allen Sartin; County Engineer Bob Szrot; and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

**COUNTY ADMINISTRATOR**

Ed Green gave his report before the Board.

***Coroner Report***

Charges on the *Autopsy* performed on a homicide in Eagle and questioned by the Board should not be billed to Garfield County; Trey Holt will be billing Eagle County.

*Forensic Pathologist* - Trey said he had four candidates for this position and wants to coordinate the hiring process with the other four other Counties. Trey projected a year to get this in place.

***Fire Fighting Facility***

Ed mentioned he had a meeting set with Phil Vaughn on September 22 to review the Bid Package for the Regional Fire Fighting Facility.

***Taughenbaugh Building***

Ed mentioned the Taughenbaugh Building is beginning to look a lot different.

***Courthouse***

Intensive cleaning inside and out will be started after the Taughenbaugh Building is completed. Dale will be coordinating with the Workenders and Work Release on doing the major cleanup.

***Library Project***

County Engineer Bob Szrot submitted the bid for the Library Project and mentioned the winter is the desired time-frame to have this project completed.

Jackie Sphuler obtained three bids regarding repairs on the Library based upon two to three major areas to be addressed: a 10 x 12 piece of stucco on the east side of the front door to be replaced; the west sidewalk needs to be addressed - it has settled and is near the police department where the sidewalk has sunk; and some vegetation and small trees along the side of the building creating moisture leakage into the building. Cost Analysis - \$12,916 from Markel for stucco replacement; \$22,476 from Robert Gordon for stucco and sidewalks; \$15,000 from Thompson for stucco and some sidewalks; and the County Bid working with and using the Rifle Correctional Facility for labor and also using their Landscaping Program with Gil Jones Supervisor for \$24,750. This bid includes sidewalk repairs, removing vegetation and replacing with zero scaping using flagstone to address future water concerns. Bob will be very involved with this work and coordinating with the Rifle Correctional to provide the design and labor. Stucco and down spout work will be subcontracted. It takes care of all of the problems and makes it a nicer building. Bob would like to have approval of the Board in order to get the work started. Permits from the City has been discussed with Larry Thompson.

Chairman Smith asked if this had been officially approved by the City for landscaping.

Bob has discussed this with Larry Thompson expressing the zero-scaping. Also the landscaping has been discussed with Mike Copp.

Chairman Smith suggested having something in writing from the City of Glenwood Springs.

The Board liked the idea and the design.

Bob explained the process and what the design entailed and explained that he was estimating high. He said he will draw up a draft letter and have it approved by the Commissioners.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the County Engineer's design and cost for the repairs and improvements at the Glenwood Springs Branch

Library contingent upon the approval of financing through the property channels and a letter of acceptance by the City of Glenwood Springs to go ahead; carried.

#### ***Reudi Dam - Emergency Management***

Ed said he had discussions regarding the delay and received a very encouraging letter from Tommy Greer from the State of Colorado Office of Emergency Management. Basically Tommy recognizes that the 58 minute delay was totally unacceptable and wants to help resolve the issue. In discussions Guy has had with his folks, they are interested in arranging for such a lessons learned meeting and getting the Bureau of Reclamation involved.

#### ***Copiers - New Concept Being Evaluated***

Ed reported copiers are a concern. He had a meeting with a major supplier and looked at a different concept. This involves trading in everything and obtaining a credit on a monthly - pay per copy concept where the supplier supplies the paper, copiers, service and at anytime the copier is functioning at a 90% below the service level they furnish a new copier. Ed had given a sample contract to several copier firms and they will see if they can entertain this concept. The cost is significantly cheaper.

Ed stated that Social Services has the type of an arrangement.

Problems were expressed by Mildred on the second floor with the copier.

If this works, Ed mentioned there were similar areas in data and communications where this concept is available.

#### ***Gun Barrel Square Lease for Extension***

Ed and Don has a contract for \$792 a month and part of the agreement is they will pay 1/2 for major improvements that includes opening the wall between the two offices.

#### ***Rollers -Road and Bridge***

Ed announced that King in the process of evaluating the process for the Rollers. Earlier this year, King presented there would be a time for testing for the Rollers; this week they should have the item to evaluate.

#### ***Revised Work Charts***

Ed handed out the revision on the work charts but the key issue is that they have asked the department heads to identify their workers and submit the additional information to Ed. This will provide a detailed picture as to what the organization actually looks like.

#### ***Fairgrounds - Lease Olie Anderson 4x4 Dare Devils***

Commissioner Martin made a motion to approve the Fairgrounds Agreement for Olie Anderson 4x4 Dare Devils for September 25 - 27, 1998. Commissioner McCown seconded; carried.

#### ***Close Motor Vehicle on Election Day - Rifle and Glenwood Springs***

Mildred Alsdorf submitted a request to close Motor Vehicle Departments both in Glenwood Springs and Rifle on General Election Day - November 3, 1998. She stated that the offices would be open for everything else.

The Commissioners asked that this be posted and announced in the newspapers as well.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the closure; carried.

#### **PAYMENT OF BILLS**

Barbara Brown presented the bills for review and approval.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the bills for payment as presented before the Board; carried.

#### ***Transportation Committee***

Commissioner Martin announced the Transportation Committee Meeting to be held at the Courthouse on September 23, 1998. He requested Bob Szrot attend the meeting with him in order to report back to Mr. Green.

#### **JAIL DISCUSSION**

Sheriff Dalessandri, Dale Hancock, Colleen Truden, Al Maggard and Don DeFord were present.

#### ***Jail Count***

Total in Jail: 131. 41 main jail; 29 Work Release; 10 females; 7 Home Detention; no Day Reporting; 7 Workenders; 1 State Hospital; 8 DOC. 36 in other jails.

Tom reported on a costly incident that occurred in Summit County with on the inmate who had a heart attack while being housed there; later he was transported to Denver General. The bill for the guard and transport will be billed to Garfield County.

Don asked Tom to follow up if the Denver Sheriff was the one providing guard duty.

### ***Work Release***

Commissioner Martin complimented the staff and the workers on the job done this weekend.

### ***Community Operations***

Dale mentioned he had 3 Executive Summaries and 4 Schematic Designs ready for the meeting at noon today.

### ***Restorative Justice***

Colleen Truden updated the Commissioners saying the Restorative Justice Conference was very good and she personally obtained a lot of information, new concepts and principles that Garfield County is applying to some extent here now but would like to see enhanced. As a member of the Community Corrections Board and as a Municipal Judge, she is working with other who are trying to start a pilot program with the Municipal Court. Officer Robinson of the City of Glenwood Springs already has what he calls a 'police accountability conference' which does many of the types of things that they want to do with Restorative Justice. Colleen said she has talked to Chief Wilson, Lt. Valero, as well as some of the Schools Resource Officers to see how this can be put together. She has talked to a couple of representatives at Garfield Youth Services so they are trying to move full speed ahead and find out what will work for this community and how best to apply it.

### ***Bill Brandt - Rifle City Council Representative - Comment from Rifle on the Jail***

Bill Brandt said he was at the Rifle City Council meeting and all members seem to be in favor of moving the jail to Rifle. The Airport site takes priority over the Hollenbaugh site. Rifle is sending written comments.

### ***C-DOT - 20 year plan***

Bill Brandt commented that getting comments into C-DOT is very important as they are working on their 20 year plan.

Bill Brandt said he agrees with Commissioner Martin that the Task Force is a bunch of puppets and seem to ignore comments unless they come from the up-valley areas.

### ***RFRHA***

Bill commented on some new things from the federal level on the Railroad - RFRHA - adding he had tried to get consultants to look at all the resources available from the federal levels.

Chairman Smith mentioned there will be a telecast from 11:30 - 1:00 - Library Preview room on the T-21. Bill mentioned the full report from the Surface Transportation Board on Railbanking was on the Internet and said he felt the public needs to be aware.

### ***County Attorney***

#### **RFRHA**

Don DeFord stated he had two items to discuss with he Board: 1) The Environmental Assessment to the Surface Transportation Board (STB); and 2) Formation of the new IGA.

### ***Environmental Assessment***

Don mentioned that this was delayed in order to obtain comments from the Board and allow him to put those into written form. These have to be submitted to STB by the 28th of September. Don said for the most part there may not be any additions or comments they would want to make.

Commissioner Martin interjected that one item came up from Tom Stewart of the Avalanche Marvel and Alabaster Company; a response from Mr. Montange on his letter; and a letter from Pete Dearness. He would like the Board to read those as the response is quite interesting and not paralleling what the RFRHA Board said they would do which was to actively seek a short line carrier at the same time they pursue Railbanking. This has not been accomplished and this letter shows that they are not even going to do that until they completed Railbanking. At the RFRHA Board meeting they requested this in written form and it

was supposed to be directed to this Board of Commissioners on what their game plan is going to be on pursuing the shoreline carrier and Railbanking.

Don mentioned there was a couple of things going on - the Environmental Assessment and the report the County has received from the STB as well as the conclusions reached from them is only part of the full consideration of Railbanking. Don indicated he expects a decision on Railbanking by early October. Based upon the letter the County had sent and needs to be addressed by this Board is - do you wish to alter anything about the position previously taken with STB? In the letter in May the position this Board took was "Railbanking based upon the inability to primarily maintain freight rail service under their original proposal....." and then the Board conditionally withdrew that objection based upon RFRHA's compliance with their statements in the July 14th letter to this Board that was essentially saying they would seek to establish freight rail service on this line. Therefore, if the Board wants to take any action in regard to their position on Railbanking as opposed to the position on the Environmental Assessment (which is a different issue), this needs to be in place fairly quickly.

Commissioner Martin shared that a protest filed with the STB by Tom Stewart and a few others was opposing waiver of procedures of not allowing financial assistance. They have requested as a group what the cost is to the RFRHA to run that line and they would like to know this cost so they can offer financial assistance. In Railbanking there is a procedure that they open this up to sale and if this is waived then there is no fear of RFRHA to proceed with Railbanking, however if they don't waive that, this group or any other group is able to offer financial assistance to keep that line operating for freight hauling and these folks are saying they are very interested in doing that. Commissioner Martin mentioned there were three haulers and Pete Dearness was one, plus Avalanche Creek, BMC West, Colorado ULE, ECDE Environment, GEMCO Corp., Mid-Continent, Orison Distributing, and Rocky Mountain Read Mix, who are interested in keeping this going and trying to put together financial assistance.

Bill Brandt asked a question about Railbanking and if the financing is not there, will the railroad line come out?; and can those who gave up land reclaim it?

Don explained that there has been and will be landowners that take this position. Theoretically Railbanking preserves the line against those types of claims. His understanding of Railbanking is that it applies to railroads that were acquired under a Federal Dedication Act before the turn of the century because the acquisition by the railroad was done pursuant to Federal Law that has rail banked. It is not clear however that part of that acquisition falls under the same rail banking provisions.

Bill stated the Trails Association are more powerful than those that want the rail and this has him concerned.

Brad Hendricks said this is the main point that the Railbanking is being undertaken and if it doesn't work, then the main concern and the reason RFRHA has gone the Railbank route is to preserve those easements. Brad said he was real upset at some of the things being done. RFRHA, at its Friday meeting agreed to go ahead (Pete Dearness wants to be named as the designee so when he's drumming up freight business it won't be thrown out in an RFP by some competitors) and RFRHA formerly voted to write a letter of intent to Mr. Dearness so that he can take the letter and line up potential freight haulers and come back with a proposal to RFRHA to see if there are any subsidies or cost involved to have him run freight on the rail. Mr. Dearness mentioned in his letter that he needs the intent for RFRHA to have him as the hauler in order to get this information back to RFRHA. The letter to STB in opposition to Railbanking was from Tom Stewart alone and others but they are not mentioned. Therefore another action RFRHA took was to commit to spend up to \$60,000 for an appraisal in order to answer that response. Chairman Smith mentioned her concern in not having a record of where the spending was going in RFRHA and how much is left.

Brad Hendricks added that this concerns him as well and it is an embarrassment to be a member of the Board and not have any financial information. The hiring of new RFRHA Director is also a concern to Brad.

*IGA*

Don mentioned his second item which was the formation of the new intergovernmental entity to act as the holding authority to act on the conservation easements and the IGA that's being proposed to establish that. Don said he needs the comments from the Board so he can get these to RFRHA.

A later time of 2:30 P.M. today was discussed.

**COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Tim Danner - 61 Green Ridge Drive, Glenwood Springs - Manager of Glenwood Springs Landfill discussed the temporary Certificate of Designation. He provided the Board with an update, submitted some photographs showing the work being done, and said they anticipate the completion of the pond, the VH System, all the ditches and everything by mid-October. The City takes over April 1, 1999. He mentioned the Certificate of Designation just mentioned October but no specific date.

The Commissioners commented it was looking better and they had received a letter from the State.

A new date and time of October 19, 1998 at 1:45 P.M. was set to review the Glenwood Springs Landfill - Certificate of Designation - Review of Designation.

## **COUNTY BUSINESS**

### ***Insurance - Options***

Chairman Smith mentioned that at the Insurance Board they decided for 2 options: one is keeping exactly what we have and the other is cutting some of the benefits. Ed and Allen agree to keep what we have for this year with a 15% increase. Next year to consider the cafeteria style.

Commissioner McCown mentioned the \$20 a month for dependents is nothing to have to pay for dependents insurance coverage. We may have to say: a) pick up dependence cost; or b) let the employee choose to pay more.

Ed mentioned a voucher system and allow the employee to select from the options.

## **DEPARTMENT HEADS**

### ***Building and Planning***

Mark Bean and John Barbee presented.

#### ***Permit for Logging - R O Timber - Albertson Ranch***

John mentioned the firm was to notify the County when they were ready to log additional acreage.

Commissioner McCown made a motion to have the Building Department move forward with the helicopter logging by notifying the party by letter of the Board's approval. Commissioner Martin seconded; carried.

#### ***Resolution - Lacy Park Subdivision***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Resolution concerned with the approval of a preliminary plan for the Lacy Park Subdivision; carried.

#### ***Resolution - CUP - Eric Smith***

A motion was made by Commissioner McCown and seconded by Commissioner McCown to authorize the Chair to sign the Resolution for approval of a Conditional Use Permit for Eric Smith; carried.

#### ***Resolution - Weinreis and Jim Sills***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a Conditional Use Permit application for Joseph & Velma Weinreis and Jim Sills; carried.

#### ***Resolution - Floodplain SUP - Mort Heller - St. Finnebar***

A motion was made by Commissioner McCown and seconded by Commissioner McCown to authorize the Chair to sign a resolution concerned with the approval of a floodplain Special Use Permit application for Mort Heller; carried.

#### ***Preliminary Plan - Englund/Moore Amended Resolution - 98-79***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with the amendment of Resolution No. 98-79 due to a scribners error regarding the approval of a preliminary plan for the Englund/Moore Subdivision; carried.

#### ***Keithley - Amended Plat***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign an amended plat for Earl Keithley; carried.

#### ***Sun Mesa PUD***

Mark informed the Board that the road built into the Sun Mesa PUD is CR 162A. The proposal is to request the Board vacate the right-of-way to give Adriane Crouch some space between her front door and also to redesign the road.

A public meeting date needs to be set to notify the affected property owners of the vacated area.

The Board does have any problems with this as long as the right-of-way is not the cut off for CR 162.

Don stated one issue may be that the timing has to be arranged so that the vacated right-of-way is not legally vacated until the newly developed one has been dedicated.

Mark said the road construction will be at the applicants cost and he will notify her to proceed with the new road and then a Public Meeting date will be set when she can come to the Board for the vacation of the road.

#### ***Remote Cabins***

Don stated this will require a noticed hearing and the Board can defer this to the Planning Commission if they so desire. The building code will apply but certain parts of the code will be omitted.

#### ***Procedural Issues***

The Board discussed the issues of occupancy, elevation, usage and determined they would set this for a Public Hearing before the Board on their agenda for November 2 at 3:15 P.M. as Uniform Building Code Amendment Regarding Permits for Primitive or Inaccessible Cabins in Garfield County.

#### ***Second Amended Plat - Lots A & B - Harris Subdivision***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the amended plat; carried.

#### ***Aspen Glen - Lot 36 & 37 - Roaring Fork Mesa - Filing 2***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Plat merging Lots 36 and 37 to have a larger lot; carried.

#### ***BLM - Impact Statement Naval Oil Shale***

Don DeFord and Victoria Giannola presented.

Don presented that the Board had provided input and a letter was sent; however, a one-sentence letter needs to be added saying the Board ratified the action involving the corrections.

A motion was made by Commissioner McCown and seconded by Chairman Smith stepped down as Chair to second to ratify the letter sent to the BLM also send a follow-up letter with a signature line from the Commissioner Chair stating that the action was taken and ratified today; carried.

Commissioner Martin thanked Victoria for reading the document and coming up with some interesting things to share with the Board.

#### ***Request - Affordable Housing Board***

Victoria said the Affordable Housing Board requested to set a date for a joint meeting with the Planning Commission and Board of County Commissioners to explain the model and obtain comments of all the issues before finalizing.

The date selected was October 14 from 4:00 to 6:00 P.M.

#### ***Extension***

##### ***Lease Agreements with Rifle Realty for the Gun Barrel Square Facility***

Carol McNeel reported.

Carol presented the Lease Agreements with Rifle Realty for the Gun Barrel Square facility for two units beginning October 1, 1998 with the option of renewal for one year. The improvements will be a shared expense for the walk-through between the two offices.

Don mentioned approval of the lease would be the authorization to pay the bill.

Commissioner McCown moved to approve the signing of the lease agreement for Gun Barrel Square.

Commissioner Martin asked Carol if this would be satisfactory for their offices.

Carol said it was and that she would be discussing the cleaning of the facility with Richard.

Commissioner Martin seconded; carried.

#### ***Livestock Sale - Out of State Request***

Carol informed the Board that she had a request from a previous member that moved out of state and to Nevada who wants to come back and be a member of Garfield County Extension. Carol sent a letter

informing him that this wasn't possible and recommended he belong to the program in Nevada. The purpose of the request amount to the fact that the new community in Nevada doesn't have a livestock sale and he wanted to be able to participate in Garfield County's sale.

The Board agreed that Carol was right in not allowing him or others to do this.

### ***ISummit - It Takes A Valley***

Carol said they did participate in this and obtained some members and volunteers. There were 30 different organizations represented but the turnout was low as far as participants.

### ***Moving to Rifle***

Carol said her staff will be Fort Collins next week and they will try to move the following week.

## **HUMAN SERVICES**

Deb Stewart presented Debbie Wilde and Shelly Moltz of Garfield Youth Services.

Debbie submitted handouts regarding the services provided by the agency and the Crisis Procedures.

### ***Youth Services - Issues in Garfield County***

Debbie provided a short summary of the services provided and the current issues in the County.

The Restorative Justice is gaining recognition, Kampus Klub is closing down, The Youth Summit - It Takes a Valley and many things are happening for and with kids. The Developmental Assists have a director, Marlee Rippey; Carol McNeel from Extension with Character Counts is bringing in a training from Extension Service and the event will be happening in November; and people are looking at youth things in a positive way. Young people have a lot to offer and she said the Coalition for Families is going strong and the vocal point for youth issues, especially youth in the Criminal Justice system and all the placement issues. Out of that and due to the collaboration and working together, last week Debbie was approached by the Division of Criminal Justice and Alcohol Abuse Division to be the pilot place for a federal grant doing some experimental things with drugs, alcohol, kids and families. The Community Evaluation Team is still going strong. Thus this group is doing community staffing for youth and this year it increased to include every age. It almost takes a full day once every other week when the professionals and specialists meet to review the needs. They are also doing some grants for services connected with this and one of the best ways is to do targeted intervention. The schools are real involved as well and bringing kids and families to the table at a much earlier age.

Debbie said one of the things they have seen over the past two weekends is that two female juveniles have become very volatile and in incredible situations where they have been admitted to psychiatric services. Crisis Procedures were reviewed showing the complex procedure as to who goes where and who does what. GYS serves as the middle man in helping with the direction.

### ***Division of Youth Corrections***

Debbie said from the profiles from our judicial district they know their biggest issues are drugs and alcohol. The profiles are not as severe as those in the big cities. Young people are not as compliant to stay out of trouble: 1) most are drug & alcohol related and 2) non-compliant with the Judge's orders. GYS is focusing on understanding how to deal with this attitude.

### ***Statistics***

Shelly Moltz - Research Data and Information presented a profile on kids/juveniles and intervention. They look at 43 different items but 16 critical items were on the report. She mentioned one item on the report was killing or harming themselves and reported that 70% would not think of killing and harming themselves but 30% have. 77% of kids got into trouble due to boredom. She said that Debbie mentioned that female juvenile incidents have increased and there is some new work in that direction; GYS is one of four (4) pilot programs in the State working with girls and what they are finding out is that parents and others need to spend time with their kids to develop relationships; there is a serious need for time to listen to them. One of the new things is having kids do ride-a longs with the police.

### ***Publication - Building Supportive Communities***

GYS had an entire chapter in this publication.

### ***Blue Print Programs***

Chairman Smith mentioned the prenatal child up to 2 years was a focus of Restorative Justice and this age bracket has one of the best track records.

Debbie mentioned the County is real weak in preschool age services. There is a real demand for this piece in order to meet these needs.

### ***Master Gardening***

Carol reported for Pat McCarty saying that he was composing the Master Gardening Program.

### **SOCIAL SERVICES**

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into the Board of Social Services; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of the Board of Social Services; carried.

### **DISCUSSION: VARIOUS JAIL SITES**

Sheriff Dalessandri, Deputy Sheriff Jim Sears, Jail Supervisor Dan Hall, Dale Hancock, Don DeFord; Betty Hollenbaugh; Sam Skramstad Mayor of the City of Glenwood Springs, Mike Copp City Manager of Glenwood Springs, Judy Bittman Council member from City of Rifle, Bob Griener City Council member from City of Rifle, Gene Parks of Battlement Mesa Grand Valley Alliance; John Scalzo; Tom Jankovsky representing the Glenwood Springs Chamber of Commerce; Doyle McGinley, Peggy Stevens, Dave Sturges, Bill Brandt, Peggy Stevens, Candidate for Commissioner Brad Hendricks, Candidate for Sheriff Ed Foster, Doug Harr representing the Downtown Business Association were present and all but a few provided input into the discussion.

Dale Hancock provided the various blueprints of the sites considered in the past. Of the sites being considered today, there were two sites in Glenwood - UPL Site and the Salt Plant; and two sites in Rifle - Hollenbaugh and the Airport.

#### ***Airport Site***

Dale said that Bob Howard submitted the availability of 39 acres and would either be willing to donate the land and the County provide the sewer line extension to the property; or he was willing to sell the County the land and he would provide the sewer line extension to the property. If selling, the land would be \$890,000. The cost of a sewer line extension is estimated at \$450,000.

Ed and Dale toured the potential land available. It adjoins County Road 352; the acreage is flat and very open; there is a large power line that goes through the middle of the land and the acreage is due west of the Mesa. Dale mentioned there were also gas line easements that will limit the building site. Ed commented there appears to be plenty of land.

#### ***Hollenbaugh Site***

Dale said there has not been any change in status with this property and initially the radon mitigation was projected to be expensive, but it is not expensive to add in.

Commissioner McCown said he was concerned about some requirements by the City of Rifle regarding the installation of an additional 8 inch water line. This can be negotiated if this is the selected site.

#### ***Representatives from Rifle***

City of Rifle City Council Meeting Judy Bittman commented that Rifle Council members are in full support of any decision on either property at the Rifle sites. Preference is for the Airport site, but they realize the County's convenience would be more preferable for the Hollenbaugh site for County usage. Water can be negotiated. She said that City Council supports the jail being located in Rifle and stated the population growth is going down valley; Rifle is more centralized in the County and with satellite offices the County already has in Rifle, if we can get enough property for the jail site and expansion then other offices can be combined as well.

Bill Griener - Rifle City Councilman added there is a possibility for transportation provided from the Rifle area and this may be a source that is possible for transporting work release prisoners. The County's population is moving west and will not stop. The nature of the population is changing so that the down valley Rifle will be centralized. Taps fees for sewer and water were not discussed at the City Council meeting. He added that Rifle is in a negotiating mode.

John Scalzo concerned citizen voiced that the Commissioners have spent a lot of time considering Glenwood and the County has not focused enough time considering the outlying districts; this is a County project for the betterment of the entire County. The outlying areas have been transporting prisoners to Glenwood and now it's their turn. His opinion is pay into County coffers for the support of these prisoners and projected that a percentage of the cost should be shared by every municipality's prisoners.

Chairman Smith defended the Board and said they have looked all over and considered various sites in the County.

Gene Park - Battlement Mesa Grand Valley Alliance asked if a decision is made for Rifle, will they include the justice center in the overall plan?

Commissioner McCown explained the concept of building pods versus one building towering in the sky five stories high. When the time came, move from pod to pod and be able to expand as well.

Gene Park said if these pods are being considered, they are in favor of this from Battlement Mesa. The idea for expansion for 20 years is very important.

Chairman Smith mentioned the courts have told us they do need more space in Rifle and for probation as well. There is also the topics of sentencing and restorative justice and they must look at other alternatives.

#### ***Salt Plant - Leoarnado Property***

Mayor of Glenwood Springs Sam Skramstad said the City supports this site. It is approximately 9 acres. The City is in the process of closing on the remaining portion of property with Union Pacific. It is currently being appraised, as well as the Wulfshon property. Sam said he has the support of the City to pursue the Salt Plant and the City is willing to participate in sewer and water tap fees; also he expressed a willingness to negotiate with Robert McGregor with Glenwood Land and County. The City is working on a trade of properties with Glenwood Land which would put the Salt Plant back on the market.

Commissioner Martin said he also spoke to the Glenwood Land attorney to negotiate a price for the property and they are willing to negotiate with the County. The appraisal should be prepared and ready for submittal to the County within the next week or so. Commissioner Martin stated this is important for the jail and courts to stay in Glenwood Springs, the County Seat.

Sam Skramstad said the Wulfshon property has 10 flat acres and the Community Center needed more space for a pool, ice skating area and parking and they would be trading 9 acres at the Salt Plan for 35 acres at Wulfshon.

Sam Skramstad again indicated his willingness to negotiation with Glenwood Land Company for the County due to some previous animosity between the two parties.

Commissioner McCown stated to clear the record that there was no animosity between Glenwood Land Company and this Board; the problem had been that in dealing with Glenwood Land company on negotiations with the Wulfshon Property they had attempted to impose some conditions on the County that were unacceptable including the inability for the County to print the price paid for the land. Commissioner McCown said all County dealings are of public record and they could not abide by that request and dropped any further discussions.

Tom Jankovsky 1031 Pitkin, Glenwood Springs, Chairperson for the Glenwood Springs Chamber of Commerce made a public statement saying he supports the Glenwood Springs City Council for the Salt Plant Site and also represents businesses as part of the Chamber of Commerce Board. These groups want to see the jail and courts stay in Glenwood Springs. He said it is very important to the business community to have this stay in this area. The Salt Plant is their number one choice, but they support City Council that the jail and courts stay in Glenwood Springs.

Doug Harr - Chairman of Glenwood Improvement District and Advisory to City Council and Past President of the Downtown Business Association and Chairman of the Advisory Committee for Glenwood Sprigs Downtown Plan said that all these organization support the Salt Plant Site and the fact that with the downtown plan, the planners, and common sense, keeping the governments in the facilities within Glenwood Springs is a benefit to all the area and as the center of the community that expands out to Garfield County. To keep these entities involved within Glenwood Springs and also to keep the transportation as minimal as possible as well as access to the courts, etc. is a benefit to everyone.

Glenwood Springs is the County Seat and the center of the region and they want these functions to remain.

Don Vanderhoof, City Councilman of Glenwood Springs said he backs Mayor Skramstad that it is very important to Glenwood Springs and the entire County to have the jail remain near the County Seat. Growth may go both ways and he said he feels over the years, the cost to the entire County to transport prisoners 30 miles away from the County seat would be tremendous. He backs the City Council that the jail should remain in Glenwood Springs.

#### ***UPL Site***

Chairman Smith read into the record a letter from Nicholas R. Massaro. A summary of that letter included these points supporting the jail and courts to stay in Glenwood Springs and specifically supported the UPL Site: 1) UPL is the closest site to the courts and courthouse; Mesa County has learned the mistake they

made in not keeping the three entities close by with inmate escapes and transportation costs; 2) UPL site was purchased originally for the jail site; 3) City Council objects because they want the site for City purposes; 4) Taxpayers cost is less using the UPL site; 5) The height variance is disputed due to other buildings approved by Council being five stories in height in the area; 6) Close proximity to the Elementary School yet in the 33 years he's been an educator in the area, not one instance of a child being harmed in any way by the jail being that close has ever occurred; 7) The jail is vital to downtown economy; 8) Lost parking could be accomplished by a park and ride facility at both west and south of town; and 9) The Salt Plant Site was purchased for a community center and the City should use it as such.

Commissioner Martin said that Nick Massaro's letter was a lead into talking about the UPL Site and discussing the pro-con about it.

Commissioner McCown voiced his concern on the UPL Site saying he thought initially that this was the ideal site but choosing it would probably bring about another lawsuit and he personally didn't look forward to entering back into litigation with the City of Glenwood Springs. It's a complete waste of the taxpayers' money when one government entity sues another.

Commissioners Martin called the UPL site the most economic site and said it made the most sense for safety reasons. It's still a good site in his opinion, but he also does not want to reenter into a lawsuit with the City of Glenwood Springs. Therefore he felt the Board needed to move on and find an alternate site. He stressed that they need to move on in fairness and they need to build a jail.

Chairman Smith said she agrees with Commissioner Martin and trying to plan 25 years in advance is unrealistic due to the possibility of the sentencing laws that could change. However, the UPL property does not have room for expansion which must be there in looking at a site. She said she realizes the costs connected with moving the jail away from the County Courthouse. The Sheriff has estimated earlier that it would cost at least \$400,000 more a year to operate a jail in Rifle as compared to one in Glenwood Springs, most of that being in the form of extra deputies transporting prisoners from Rifle to court in Glenwood Springs and to watch them while they are here. So Rifle is not ideal, but remote jails do happen and we have to be practical and get on with building a jail.

Sam Skramstad said he personally did not have a problem with the UPL site and said that he could not speak for the entire City Council, but as a taxpayer he thought the Commissioners should just build the jail where they wanted no matter who threatened what kind of lawsuit and if the UPL is the best site, then his advice is build it and see if the people and the governments have the wherewithal to stop you.

Bill Brandt mentioned an area that no one has addressed and that is one that carries a shadow. That is 20 to 50 years from now this system will enlarge; therefore, what does this do to the traffic congestion within the City of Glenwood? He mentioned the method to handle and the costs involved.

Chairman Smith said the jail no matter where it's built will bring more traffic. This is one of the side effects on the whole concept of jails but the Board needs to be practical and the Sheriff can't live with 130 plus prisoners day after day transporting 36 to other jails as we've done. This morning we were told that they are charging \$60.00 a day for each one placed at the Summit County Jail.

Commissioner Martin included the cost of transporting as well as the potential of escapes which involves safety of the staff and community as well. He also mentioned the potential of costly accidents as prisoners have absolutely no movement of freedom and the County is totally responsible for their safety.

Peggy Stevens - 1313 Oakway, Glenwood Springs said she doesn't understand why the Commissioners gave up on the jail right where it is right now next to the Courthouse. This is the most sensible one but they are not even considering it anymore. She added that the City should build their community center at the site where they bought the property. Therefore, she is for the UPL site but she is also for the present site. She questioned where the Sheriff's input was today and why hasn't he spoken. She said if they built the jail at the present site, they could expand at the UPL site later on if needed.

Commissioner McCown said the existing site involved the height on the footprint and this was visually not compatible with downtown Glenwood Springs according to the City Council.

Doyle McGinley said he was not against public input but he's served on the jail advisory board since it's inception. He thinks the Commissioners should make a decision today - either fish or cut bait.

Sheriff Tom Dalessandri said he wanted to let everyone speak before he commented. He wanted to see again where the citizens are on this issue. There's been a lot of emotional input over the years and impacts us today in making a decision about where to put the jail. Between the people of Rifle and Glenwood Springs on what the jail will do in terms of impact on their community, they both have a positive and negative sense. Whether it be traffic or impacts on a downtown or whether it relates to economic benefits derived, we cannot lose sight of the fact that it is of utmost importance in what will it cost us as taxpayers

and what is the most efficient and most effective plan for building this jail. He stressed there are consequences no matter what site is chosen. These consequences should be weighted - whether it is an issue on transportation and safety; dollars and cents in the long run; the cost of land; potential growth of the jail population in the future; and where the courts may eventually be located. These are the key issues and should be the focus of the citizens. Clearly in his opinion the most efficient, most safe, smartest place to build the jail is in the County Seat. This is indisputable by anyone you talk to in the jail business be it private sector or other Sheriff's. A jail can be built in a remote location but if you talk to other Sheriff's or a County Commissioner who has experienced a jail being located in a remote site and the cost associated with running two jails and the cost associated with transportation from the courts, the efficiency of those jails dropped dramatically. The costs associated with building this jail today can't possibly compare with the overall costs of operating in a facility 10 to 15 to 20 years down the road. Anyone that has been involved in the process during the last 15 years knows that we have heard from builders, developers, and consultants that typically construction for jails and government buildings have a life span of 10 to 15 years particularly in an area like this where growth is happening so fast. If this is the case, we have to appreciate this as a fact and build accordingly. The County Seat may be in Rifle someday. No one can surmise growth for the future as this is not a wise use of tax dollars to make this assumption. Concentration should be on building the most efficient, effective jail in the most efficient and effective site today and that is in his opinion Glenwood Springs, the current County Seat.

#### ***Consider Alternative Sentencing - Alternative Facilities***

Dave Sturges - 1310 Riverview - said he has served on the Community Corrections Board since the early 80's and serves on the Glenwood Transportation Commission and various others. However, today he was making personal comments. It has taken a long time to get here and we have done it with a great deal of increase of liability to the taxpayers of this County. The bill that will come due will be substantial. He believes that there is some control that the County can give to the number of beds anticipated as needed. He added that he feels like a singular voice on this particular subject, but his observation over the years on the utilization of the County Jail is that its major function appears to be dealing with drug/alcohol related matters. Those do not always require the strength of concrete and steel bars. This County has an opportunity to make a decision philosophically of how to deal with this problem. You can make a commitment in a decision today that we'll build it and this is the number of beds; but we will try to be different than other Counties and other municipalities in that we do not intend to expand beyond this because we are going to commit this County to a different type of treatment program other than the bricks and mortar concept. He was not proposing clear cut choices today - this is one issue that he sees as a question. He did want to focus on the expansion capabilities of the properties within Glenwood Springs. This is the time for the County and the County Board to say we don't believe that everyone that ends up in the Garfield County Jail needs to be in that kind of a facility. He said he was not suggesting that the Commissioners can decide on the sentence of people - this is the courts decision and responsibility but he believes the success rate in the past is available so that the County and the Courts can examine alternatives and try to develop a joint program or facilities that are less costly and less of a jail setting. It is a task that can be accomplished and Commissioners can make this kind of a statement. As citizens he said that everyone could support the Board of County Commissioner with programs and different types of facilities. This should be a program decision and a challenge to the citizens. He added that this County is doomed if we assume that the number going to jail through sentencing is going to totally mean bricks and mortar.

#### ***Miscellaneous Comments***

Chairman Smith commented that the Commissioners have looked at comments made regarding the needs. Currently, they are working on establishing a detox detention at the jail so they are no longer in a locked facility or concept.

Gene Park said he was in favor of building with plenty of acreage and liked the pod idea.

Brad Hendricks commented as a candidate running for office, that he will support the Commissioners as long as they are making a decision associated with progress.

Ed Foster said he was also a candidate and agreed with Brad Hendricks on the progress issue and the other thing is the expansion capabilities. He said he disagrees with Dave's position because he believes it is not the Board of County Commissioner's decision for sentencing options. Expansion capabilities should be considered and feels the Board should get as much land as they project will be needed now because it is not getting any cheaper. He added that he appreciates all the work done by the Commissioners on this issue.

### ***Motion***

Commissioner Martin stated he would try a motion. Originally my motion was going to be the choice of the UPL site and based on the cost analysis, the ownership, the economic impact, the safety factors and to go ahead and build there, but I'm going to change my motion. My motion is being changed not because of the political pressure or anything else, it's because we are driven into a crisis to build a jail. So my motion is going to be to go ahead and chose a Rifle site, and to enter into negotiations with the two possible sites to chose between the two. And this is based on the evidence that's presented at this time.

Commissioner McCown seconded.

Chairman Smith called for further discussion

### ***Discussion on the Motion***

Commissioner McCown stated everyone here has hashed out economics and other than the UPL site directly across the street, frankly he said, other than the mileage involved, the same transportation costs would be there from the Salt Plant that we would see at a Rifle site, so he would have to kind of preclude the transportation costs when talking about a remote site. When you're talking about the Salt Plant site, other than \$2 bucks a mile 30 miles to 4 miles you're not having to cross the Grand Avenue Bridge. He said he thinks the opportunity for expansion in the Rifle area tends to leave more potential; also in negotiation with the two sites, the Airport site needs to be viewed carefully because of the power lines. Commissioner Martin said what he was basing his motion on is the evidence we that have today and not precluding - not throwing out the Salt Plant - but he didn't have enough evidence to go ahead and really vote on that. He said he would love to keep the jail in Glenwood and added that his whole objective when he took office was to keep the jail in Glenwood and to build the jail as close to the Courthouse as possible. He said he still thinks that's the best scenario and the only economically feasible scenario that we need to enter into, however, at this present time, we don't have that option, it's been taken away from us with the situation. He added that he would do anything to keep it here, but the Commissioners need to build this jail. We need to take care of our crisis and this is the only alternate that we have presented to us. We have to take and make action on it, otherwise we continue to be the laughing stock of everyone around us and he was not going to take that position. He said he was going to build a jail and that's this Board's number one priority. It has been for two years. Commissioners McCown and Smith and I made that decision in an open session - so let's carry through with it. So, if we have these two possibilities in front of us, let's chose between the two by going ahead and making the true analysis of those potential site. At this time that's the only thing we can make our choice on. We don't have any other information to support the Salt Plant site yet.

Chairman Smith said one of the issues raised was on the transportation costs but also noted that the County is already paying transportation and boarding costs and the boarding costs will disappear when we get a jail built.

Commissioner Martin stressed again that he personally would love to support the Salt Plant site adding that he has worked very hard to get that site in front of this Board. However, today he doesn't have enough evidence to present that to be a viable site yet. The costs are not identified and the City doesn't have a clear ownership. Lacking these details to review and waiting for these particular factors for another month, two months, or even three months down the road would not be fair.

Chairman Smith interjected it could be another fifteen years.

Commissioner McCown commented then another site will surface and we'll do a study on it.

Commissioner Martin concluded that unfortunately if that particular site does come and proven to be the most economical sites of the three, he commented that maybe the Commissioners could look at the difference; but at this time, we have two choices.

Chairman Smith said that she agreed.

Commissioner Martin stated they have in front of them the UPL site or the two Rifle sites. He suggested to eliminate them and move onto serious negotiations and get this jail built. So that's his motion based on the evidence as presented at this time.

Chairman Smith said we have a motion and a second, any further discussion.

All those in favor.

Martin - Aye; Smith - Aye; McCown - Aye

### ***Direction to Staff***

Dale asked if the Board would provide direction to the Staff.

Commissioner McCown said they will need an Environmental Assessment on the Airport Site regarding the power lines and said for the staff to negotiate with Rifle on the water issue at the Hollenbaugh site.

#### **ROAD AND BRIDGE DISCUSSION - BID AWARD - ROLLERS**

King said the Rollers were anticipated to show up today. After analyzing the proposals, Century Equipment was the closest to the specifications and King said they needed to see a roller before putting out the bids. He's been told that the Rollers are on the way.

#### **DISCUSSION - COUNTY ROAD 149 B-WAGNER**

Sam Phelps, Vance Wagner, King Lloyd, Mike McBreen and Kenny Gardner were present.

Sam submitted highlighted plats showing the property and explained the turnout shown on the survey map and who's property is it on. The original Chelyn Acres map was sold with meets and bounds. There is an overlap of the properties and there is a discrepancy in the area. The turn out is clearly on Mr. Wagner's property. Boundaries of Section 3 is a new BLM marker; the west corner marker was set in relation to Chelyn Acres. Sam's interest was the turnout. He added that the map done in 1971; the dedication language on the plat was signed by the original owner of the property in August '71; it was never signed by the Board of County Commissioners; and it was never recorded, etc. Sam perceived what happened was that Ansel conveyed each parcel out by meets and bounds; they tried and this was their intent; but technically a strip may be owned by the Axlems and it may be where the road lies. Accordingly there is a 125 foot wide area for a cul-de-sac. The Improvement Location Certificate is done for a lender to certify the improvements are done within the boundaries of the property. State law does make an allowance where there is not a complete boundary survey as to where you are going to show the improvements on the property. The standard certificate which is set by state law does allow that, it does not have to meet a boundary survey. In the county tax records, the Assessor has been taxing somebody for that part of the land.

Don indicated that the Assessor was making assessments of the plat that was never recorded.

King said the roads have been maintained for 27 years.

Don DeFord commented there is a potential claim for adverse use; that the County was given permission by Wagner's predecessors. If permission, then you cannot put in by adverse use.

King commented that the permission given was that the turn around could be surfaced. There was no conveyance. At the time of chip and seal, the Chelyn Acres chose not to participate. The other residents donated for his portion and he allowed it.

Don can't determine if we have a claim for adverse use.

Kenny commented that there is not enough room as it is for a turn around. Wherever permission to turn around is located is where winter maintenance is going to end.

Vance Wagner stated he bought the property in 1993. The turn around was enlarged and this is the current problem. He outlined the options as if he didn't allow the turn around, then it would be 5/10 of a mile without maintenance. He understands Sam Phelp's measurements but he wants to maintain his ownership under the meets and bounds. Nevertheless this property has been damaged. Still interesting to him, as he said, had anyone from the County called, asked, or told him that the property needed to be enlarged this might have made a difference. Now he wants the property restored back to the original state. He also wants the road maintained and feels the County had the property by adverse use for a turn around. He again stressed that he wants his property fixed.

Don explained the status of the roads in this subdivision and especially how it relates to County Road 149B because there was an assumption that these were dedicated roads and he wants to make sure there is no misunderstanding that these are not. Also there are some distinctions legally between the road and this turn around area and how they came into existence.

Commissioner McCown said he was in total agreement with Mr. Wagner and the County needs to repair the property that was damaged. But the problem he has is this road appears on the map for this Subdivision that was never filed; this turn around is clearly on the Wagner's property and it doesn't appear on the original plat. So to continue to use that turn around in the area that the County damaged is going to take some type of written agreement conveying the use of this to the County so if Mr. Wagner sells the property, the County is not back in here two years later with the new owner asking what's going on.

Vance Wagner mentioned in past conversations with the Board he was asked if he was willing to gain some kind of turn around. His perception of this offer was to continue the damage or enlarge the area as it was

somewhat planned. But at that time he was not interested in enlarging that property and allowing a turn around, but he is interested in having the property repaired to his original state. Knowing that there hasn't been any problems with the turn around in the past, he is interested in entering into a discussion about some sort of easement agreement. He added that he felt there should be some sort of compensation for the easement in some way, shape or form. He felt he shouldn't have to give his property away and he would entertain a discussion.

Commissioner McCown said he was somewhat apprehensive to buy property at the end of a County Road that not a County Road.

Don said in order to actually obtain legal title, he would have to by the process of going through either a quiet title action or declaratory judgment. If we are going to undertake that we should do it for all of the roads in Chelyn Acres. The general structure seemed appropriate and the County could agree to do certain improvements for Mr. Wagner to bring it back to the conditions originally and then have some conveyance. If there's a price that is to be paid for the property, that's between the Board and Mr. Wagner.

Commissioner McCown said the County is going to look at the restoration of it.

Vance Wagner said he had said it before but wanted it on record - "I'm not at all interested in creating any more disturbance up here than he already has." He said he "realizes the situation and we all do, but he wants a problem corrected that he didn't create." He felt they could all agree that this needs to be fixed and pick a day sometime soon when the problem can be discussed.

Don asked if it would be appropriate to have the Road and Bridge staff and Mr. Wagner meet with a landscaping person to discuss what needs to be done.

King Lloyd asked Mr. Wagner if he gets an estimate from a landscaper, will he accept the services of who the County picks to do the work? His point is to avoid having to compare prices that will eat up time.

Vance Wagner said he was not interested in getting a lot of bids but he is interested in having his land put back in the condition it once was and as long as he has an opportunity to review the plan both in the physical nature and the cost, he has no objection.

This was put on the agenda for October 5 - Wagner Review under King's time.

**PUBLIC HEARING: PUD ZONE DISTRICT TEXT AMENDMENT AND PLAN AMENDMENT - IN THE ASPEN GLEN PUD. APPLICANT: ASPEN GLEN GOLF COMPANY**

Mark Bean, Larry Green, and Don DeFord were present.

Don DeFord determined that adequate posting and notification was timely and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark Bean submitted the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and attachments; Exhibit D - Project Information and Staff Packet; Exhibit E - Letter dated 8/12/98 from James and Hensley Peterson; Exhibit F Letter dated 8/12/98 from Bob Lucas, the Carbondale Trails Committee and Exhibit G - maps.

Chairman Smith admitted Exhibits A - G into the record.

This is a PUD Zone District Text Amendment and Plan Amendment to the Aspen Glen PUD Plan for Aspen Glen Golf Company.

It is proposed to amend the PUD to allow for a sales and reception center and administrative offices on Lot D45 of the Aspen Glen PUD, Filing No. 1. An amendment to a condition of approval contained in Resolution No. 92-056 requiring that the Aspen Glen developers include a

grade separated bike path along CR 109. The request is to amend the condition to require the construction of an additional four (4) feet of shoulder on both sides of the road, rather than the grade separated path.

The last part of the request is to allow for the modification of the PUD boundaries as a result of the exchange of properties between the applicants and the owners of Crystal River Ranch owner.

The requested to amend the PUD conditions of approval are based upon the County's inability fiscally and physically to build a grade separated bike/pedestrian path along the portion of CR 109 that the County is obligated to improve. The primary reason for not building a grade separated bike/pedestrian path is due to physical constraints due to topography along the section of the road. To develop a grade separated bike-pedestrian path in this area would require the acquisition of additional right-of-way from adjoining property owners and expensive mitigation to prevent encroachment into wetlands on the east or geologic constraints to the west. The grade separated bike/pedestrian path within the Aspen Glen development does not present the same constraints physically and provides the better bike/pedestrian path for both the residents of the development and the general public using CR 109 for bicycling or pedestrian purposes. The need for

consistency of the path along the roadway does not offset a need for the safest pathway in the areas it can be built.

The proposed property exchange and resulting amendment to the boundaries of the PUD is consistent with the original PUD approval in that it will result in a safer CR 109 alignment.

Recommendation:

The Planning Commission recommend APPROVAL of the proposed PUD zone district text amendment to the Duplex Residential Zone District and the PUD boundary and DENIAL of the removal of the condition of approval requiring the development of a grade separated bike/pedestrian path.

Larry mentioned the large map submitted is the schematic diagram of the entire Aspen Glen Subdivision and he pointed out the lot they wanted to be used for Aspen Glen sales offices, Administration and Homeowner's Association Administration and other uses related to the Aspen Glen Development. Larry said the second issue is the boundary slot. Part of the obligation on Aspen Glen was to reconstruct CR 109. The location at the old Sievers Corner, or old right-of-way, there was not enough adequate width for right-of-way to reconstruct and soften the curve; so Aspen Glen negotiated an agreement with the Crystal River Ranch to exchange Parcel B property with Aspen Glen and then dedicate it back to the County for road improvements. The third issue is the bike path along CR 109. The original PUD requirements require Aspen Glen to construct a grade separated of the bike path along one section of CR 109 that was set out in the original PUD Resolution being approximately 10 - 12 feet in width with a precise location of that bike path to be as established and approved with the Preliminary Plan. Larry explained the location of the bike path separation and pointed it out on the plat. He added that the bike path was 3270 linear feet and would be the extent of the grade separated bike path right now. Larry added that when he was in talking to the Board about County Road 109, some concerns were expressed regarding maintenance obligation of the road; concerns about whether or not it was prudent to have the bike path separated in one stretch and then on the road in another and back and forth. They heard the message that the wisdom of the situation was to have it was the bike path one way or the other. The County cannot separate their portion of the bike path, therefore what does the Board want Aspen Glen to do with their part of the bike path? Larry explained they were willing to do whatever the County wants them to do. The Resolution No. 92-056 was referenced and Larry clarified that the County Road requirement "shall be defined at time of the preliminary plan submittal". When they submitted the Preliminary Plan in December 1993 this is the only place they showed a grade separated bike path. The entire expectation was to put a grade separation on the entire portion of CR 109 on the entire improvement on the highway.

Commissioner Martin stated this bike path along CR 109 was the selling point for Aspen Glen.

Chairman Smith stated she was under the same impression.

Larry stated when they got to the Preliminary Plan, the grade constraints and right-of way was limited.

A bike underpass was suggested.

Bob Szrot said that one of the things that he is exploring is grants for bike trails. The section from CR 108 is one of the Greater Outdoor Trails major concerns.

Public Input was given by Bob Lucas and Dan Hobby who voiced in favor of keeping the original bike path as promised.

Discussion was held.

Chairman Smith read the section into the record that mentioned the bike path would be determined at the time of Preliminary Plan.

A motion was made by Commissioner McCown to close the Public Hearing. Commissioner Martin seconded. Motion carried.

Larry Green said he was just told that if the bike path continues from that location even as an attached shoulder, it will be on the opposite side of the road.

Chairman Smith commented that was her thinking and the reason why she had asked the question.

Larry Green apologized for the confusion. He added that the fiber optic cables are along there and you can't put anything over that fiber optic cable.

Chairman Smith said she thought they needed to reopen the Public Hearing to get this on the record.

Commissioner McCown withdrew his motion to close the Public Hearing; Commissioner Martin withdrew his second; carried.

Larry Green said he was told by the Aspen Glen Construction crew that continuing the bike path attached on the shoulder will necessitate going across the road because of the existence of fiber optics cables which no one can build over.

Commissioner McCown explained that if this continues down on CR 109 the County would have to change their design as we have a paved gutter type scenario on there.

Eaon Hause of Aspen Glen Development explained the limitations on CR 109 and the location of the fiber optics.

More discussion was held.

King added that if the fiber optics are in the County's right-of-way, then the County has the right to address them however we see fit. If there's a conflict between us and the fiber optics, the fiber optics will have to leave is the way our agreement is.

Don DeFord clarified that this depends if they came in as part of our right-of-way or if they were put in a private easement that the County has acquired.

King said the majority runs parallel with CR 109 and he thinks they ran into a private easement.

A motion was made by Commissioner McCown to close the Public Hearing. Commissioner Martin seconded. Motion carried.

Commissioner McCown made a motion to follow the recommendations of the Planning Commission to approve the proposed PUD Zone District Text Amendment for the Duplex/Residential Zone District and PUD boundary and deny the removal of the condition of approval requiring the development construct a separated bike and pedestrian path along with the other recommended findings. Commissioner Martin added, and presentations of everyone involved, second. Motion carried.

### ***Road and Bridge - Continued***

King stated that the Resolution authorizing the Road and Bridge Department to increase the bonds was mailed on August 25 by mail forewarning that they would stop issuing permits unless the bonds had been upgraded. To date only two have done so. He added that he had conversations with the companies and all had acknowledged receiving the notice. King said he would mail another letter.

Ed said he would discuss the enforcement issue with the Sheriff and suggest they could take the potential violator to nearest scale to weigh.

### **DISCUSSION: FIRE BAN EXTENSION**

Guy Meyer handed out the information regarding fuel moisture content from the Internet. Bernie Leach and Mike Morgan are recommending the fire ban expire.

Commissioner McCown made a motion and Commissioner Martin seconded to let the existing fire ban expire; carried.

### ***Stevens Hills***

Commissioner McCown mentioned that discussions have been held previously regarding straightening Stevens Hill. He added that some work will be necessary in Rifle Creek and suggested getting Bob started so the work can be done during in the winter during low water. Any diversions needed wouldn't be an impact. There are three (3) property owners: Jack Wiggington, Pete Jones and Scott Brynildson that would be involved in this project and Mike Richardson from Public Service. Commissioner McCown said he would like to get all of these individuals involved. He asked King to coordinate with all three of those and let him know so he could meet with them. It may take a Core permit and King added it may take a Special Use Permit for the County.

### **PUBLIC HEARING: PRELIMINARY PLAN FOR EAGLE'S NEST OF ASPEN GLEN TRACT A LOCATED IN THE ASPEN GLEN PUD. APPLICANT: ASPEN GLEN GOLF COMPANY**

Mark Bean presented that ownership changed last month and it was not noticed properly.

Don DeFord determined there was a defect in the notice and ownership could not change prior to the Public Hearing.

Commissioner Martin made a motion and Commissioner McCown seconded stating the Board finds the notice defective and this must be re-noticed; carried.

### **SB-35- LEONARD LORENTSON - OWNER/APPLICANT. NORTHWEST 1/4 MILE, NORTHEAST 1/4 MILE, SECTION 32, T7,R89 WEST 116 PM OF 100 ACRES TO 2 PARCELS OF 1@97 AC, NORTH OF FOUR MILE ROAD PROXIMATE TO SUNLIGHT SKI AREA**

John Barbee, Don DeFord, Larry Green, Ross and Terry Perry future purchasers of the property were present.

Don DeFord determined that adequate posting and notification was timely and advised the Board they were entitled to proceed.

John stated this is an exemption from the definition of subdivision on a 3.0 acre and 97 acre parcel located generally north of Four Mile Road, proximate to the Sunlight Ski Area.

The parent tract of land to be subdivided consists of 100 acres, and the proposal calls for creating a total of one parcel consisting of 97 acres. Access will be via an access easement crossing the larger parcel to access the smaller parcel from the Upper Four Mile Road.

The application indicates that the property will provide a housing opportunity for an employee of the ski area.

Recommendation:

Staff recommends APPROVAL, with the following conditions of approval:

All representations of the applicant, either within the application or stated at the public hearings before the Planning Commission shall be considered conditions of approval unless otherwise stated by the Planning Commission.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lot, 25 ft. wide access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.

That the applicant shall submit \$200.00 in School Site Acquisition Fees for the creation of the exemption parcel.

That the following plat note shall appear of the Final Exemption Plat:

"Control of noxious weeds is the responsibility of the property owner."

"Only one dog is allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owners property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting will be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"All garbage and/or waste storage areas shall be animal proof."

6. Any road improvements for their access should be discussed with the BMP logging road standards.

Primo Martino of 1127 Blake Avenue - Glenwood Springs asked if this was the entire 97 acres or just the 3 acres?

Larry Green said Mr. Lorentson is one of the major stock holders in Sunlight and he purchased all the land owned by the Williams Estate and he divided this 100 acres into two parcels of 97 acres and 3 acres. The purpose of this application is two fold: one is to allow Ross Terry and his wife to build a house and live up there and secondarily it is also a benefit to Sunlight because the Mountain Manager will be living within five minutes of the ski area instead of Carbondale. No development is proposed on the 97 acre parcel.

Mr. Martino said he has a non-exclusive right-of-way until his driveway takes off to the west.

Don DeFord said this is a non-exclusive easement with a 30 foot easement. He recommended that a condition be added that a road sharing agreement be in place for future.

Commissioner McCown made a motion to approve the exemption from the definition of subdivision regarding Leonard Lorentson with the recommendations of staff 1 - 7; No. 6 the type of road that John Barbee mentioned - BMP Logging Road Standards and in No. 6 a road maintenance agreement between the three land holders currently existing and No. 7 a well sharing agreement with easements. Commissioner Martin seconded the motion; carried.

## **INVESTMENT COMMITTEE REPORT - GEORGIA CHAMBERLAIN, TREASURER**

Georgia Chamberlain gave the report saying that as soon as Ed Green came on board they started having these investment committee meetings and included Allen Sartin in the meetings. Ernie Gerboz was already on the committee so now there are 4 members. One of the first things they wanted to do was to have more diversification in the investments but not to give up any of the liquidity that they have now. In reviewing

the investment policy under eligible investments and depositors they would like to add "that money market mutual funds regulated by the Securities and Exchange Commission be an eligible investment." Under the investment policy currently they require if the County invests in shares of any local government surplus trust fund, that the Board must specifically approve that investment. Georgia said she would like to add that the Board of County Commissioners specifically improve an investment in the money market mutual funds. Another resolution would be that in looking at investors trust and would like to invest money in financial trust as a money market mutual fund expanding the investments to include them. They feel this would be a good investment and would like to ask the Board of County Commissioners to approve Financial Investors Trust for the investment of two million dollars in County funds. They are an arm of the GE Capital Investments; they are very secure and very little risk.

Georgia requested the Board approve the following: A resolution for Financial Investor's Trust for the investment of County funds and would authorize Georgia to sign a new account application and any other documents necessary to establish an account with Financial Investor's Trust and that she be authorized to invest County funds by purchasing shares of Financial Investor's Trust and to redeem those shares as needed.

Commissioner Martin so moved as presented by Georgia. Commissioner McCown seconded; carried.

### ***RFRHA***

Don DeFord and Walt Brown were present.

Don said there were three documents that needed to be discussed today with the Board: Environmental Assessment; Intergovernmental Agreement and the Surface Transportation Board.

### ***IGA***

The IGA was discussed in general.

Don said he sees some problems with this but has not discussed it with any of the other attorney's and felt this may be the appropriate way to go.

Commissioner McCown stated he thought Don should poll them and see what they think.

### ***Environmental Assessment***

Don basically agrees with the report. He said it doesn't look as though they can move forward and remove additional tracks without additional filing with the Surface Transportation Board (STB) for additional assessment for environmental purposes and historical purposes under condition no. 2.

The STB had issued a short environmental assessment on September 3 as part of the rail banking and "abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary."

### ***Surface Transportation Board***

The letter from the STB regarding going ahead and pulling the tracks because they didn't think there was anything that could prevent them from doing it was read in the record as follows:

The ruling from the STB - "if the exemption becomes effective RFRHA will be able to salvage tracks, ties, and other railroad structures to dispose of the right-of-way. However, at this time they intend not to."

Pete Dearness has estimated that 600 - 900 shipments per year would be possible. And 600 shipments a year would not require a lot more subsidy.

Walt said the waste carrier ACDC submitted a proposal and asked if Garfield County was copied on the filings by Dearness.

### ***Direction***

Don suggested some theoretical language since this is an environmental assessment saying he felt they Board should comment about the County's position concerning the language they use regarding the effects of this action on human environment and comment that it does have that potential impact if they go forward and the removal of existing track for rail facilities are permitted. One example of this is that the removal will over time result in an increase in truck traffic through Glenwood Springs and has the potential for air pollution and other types of degradation of air and potential effects of water because of the proximity of the river corridor. If the Board wants to take the position that they not be allowed to remove any track or other structures without full environmental impact statement, then he suggested they say that.

The Board directed Don to respond to the Surface Transportation Board.

**PUBLIC HEARING: SUP FOR A NATURAL RESOURCE LOCATED APPROXIMATELY 4 MILES SOUTH OF SUNLIGHT PEAK, AND EAST OF GARFIELD CREEK STATE WILDLIFE AREA. APPLICANT: LOUISIANA PACIFIC**

This Public Hearing was continued at the request of the applicant.

**CONSIDERATION: AMENDED FINAL PLAT AND SIA - SUN MESA PUD**

Mark Bean, Bob Szrot, Sherry Caloia and Don DeFord were present.  
Sherry submitted two drafts for the amended final plat and SIA.

Sherry is proposing to file the new covenants. She added that they are totally not ready but will be within the next few days.

Mark and Bob went on site and Mark stated they took the maps and viewed the right-of-way which is real small and there is no significant meaning except for maintaining the ditch and some lateral for wastewater. There is a soft spot before the Y which is a shale formation and this needs some changes. Bob's opinion is that the County does not need to acquire the right-of-way and deferred to the Board for the decision. Don stated that the road still needs to be surfaced and Becky will need a few weeks to get this together. The County needs to get a culvert in there before the road is surfaced.

Sherry said she was asking for approval for the final plat. They did obtain approval by the last Board but this needs to be done again and they are asking that since there has been a determination by the County Engineer that we dispense with the acquisition of the right-of-way as it is unnecessary. She asked for about 30 days to complete the documents, get them in and post security.

Commissioner McCown made a motion to approve the Subdivision Improvement Agreement; approve signature of the original plat; dispense with the right-of-way per the assessment of the County Engineer; and allow 30 days for closure continuing this until October 19.

Commissioner Martin seconded the motion; carried.

***Jail - Previous Motion Regarding Site Selection***

The Board reviewed the minutes and motion on the site selection of the Hollenbaugh and Airport Sites made in the noon discussion.

Discussion was held on the motion.

*Direction*

Commissioner McCown made a motion to proceed with the Environmental Assessment on the Airport Site and have URS complete a site development cost survey.

Commissioner Martin seconded.

*Discussion*

Commissioner Martin commented on the Salt Plant and wants to come back on the Salt Plant site to reconsider it, but if there is not enough documents to support a new discussion, then proceed with the Rifle sites.

Don mentioned that the motion speaks for itself and any new reconsideration on the Salt Plant would be an agenda item. The option is there but this was not in the motion. Commissioner Martin can come back to the Board and ask that the motion be amended.

Chairman Smith added, or reconsider the motion.

Commissioner Martin said if there is not enough evidence that can be garnered on the Salt Plant to support the new discussion, then .....

Commissioner McCown asked what would be the scenario on this?

Don mentioned hypothetically that if Commissioner Martin feels he has garnered enough evidence that he needs, as were his thought he mentioned in the discussion of the motion for the Rifle jail site, he would still have to come back to the County Commissioners and say, "I need you to reconsider the action that you took..."

Commissioner Martin added, "through the analysis and everything else to support that decision. If there is no way that the decision could be supported, it's a moot point and he doesn't bring it back."

Don suggested that because of the way this was done, any reconsideration should be an agenda item. So he envisioned Commissioner Martin coming to the Board saying he has some evidence and wants the Board to reconsider this and set it on the agenda.

Commissioner Martin clarified that this would be on that single item and it would have to be a Public Hearing.

Don mentioned that the staff is only looking at the Rifle sites at this time.

The Board agreed that this was the direction and intent they gave and the motion supported it.

Commissioner McCown mentioned the cost presented by URS Griener when they did the site evaluation on the Hollenbaugh property is negotiable due to the water line which was the major single cost involved. Commissioner McCown mentioned that in speaking to three of the Rifle City Council members they were not aware there was a problem getting water to the West Rifle property.

*Appraisal*

Commissioner Martin said he had received a complete appraisal for TeKeKi and Aspen Crystal River Estates and wanted to present it to the Board.

Chairman Smith said for Commissioner Martin to present it to Don DeFord because neither she nor Commissioner McCown wanted to see it and asked the record reflect that neither one touched this appraisal report.

***Contracts - Leap***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to sign the LEAP Contracts for the 1998-99 program year: City of Glenwood Springs, Ferrellgas, KN Energy, Roaring Fork Energy Center, Inc. and Holy Cross Energy - A Colorado Corporation; carried.

***Adjourn 5:05 P.M.***

A motion was made to adjourn by Commissioner Martin and seconded by Commissioner McCown; carried.

Attest:

Chairman of the Board

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OCTOBER 5, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 5, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green; Assistant County Administrator Allen Sartin; County Engineer Bob Szrot; and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

**COUNTY ADMINISTRATOR**

Ed Green gave his report before the Board.

***Vehicle Pass for Employees***

Ed said he developed a vehicle pass that provides an agreement and authorization with the supervisor and the employee as to the off-duty use of the County vehicle. It addresses three uses: 1) travel to their house overnight; 2) travel outside the County to a Conference, Training, or Meeting; and 3) travel during non-business hours including the weekend related to conduct of official business. He provided this to all the department heads and encouraged them to use this at their discretion on an as needed basis. This is really for the protection of the employee and supervisor.

***Rifle Riding Arena***

The Steel Structure bids will go out on Tuesday and bids due back in 2 weeks.

***Library - Glenwood Springs Branch***

All the demolition work has been done. The stucco is 50% completed; there was a flaw in the foundation and this is to be sealed; the neighbor on the south side is requesting grass be replaced there; and zero scaping is being projected for the remaining. Jackie said they will save \$6,000 a year by not having to water the lawn.

***Library - New Castle Branch***

During the heavy rain last week, there was a leak in the New Castle Branch through a window well and caused some flooding. Jackie Sphuler and Guy Meyer handled this and all it cost will be the \$500 deductible.

***Budget***

The budget meetings have been completed and Ed and Allen are preparing to make some recommendations to the Board. The budget will be presented to the Board on October 12.

There will be three work sessions and the last day to submit the recommendations to the Board is October 15th per the Resolution.

***Budget Work sessions***

Ed said there will three work sessions: personnel requests, major capital requests, and special projects such as the Y2K initiative.

***Judge Ossola and the Jail in Rifle***

Ed said he met with Judge Ossola regarding the Jail in Rifle and the logistics associated with that move. The Judge emphasized the need for judicial offices and probation there. Regarding the coordination of appearances of prisoners, the Judge said the Sheriff was doing a good job of providing those prisoners on time.

***Electronic Alarms***

The Judge said there was a drastic need for electronic alarm systems. The Courts asked if these could be connected to the Communication. Ed spoke to Daryl Meisner and he said they did not feel they should do this.

There is a meeting scheduled for October 14, with the Communication Board; Ed and the Judge will participate in that meeting to discuss this further.

Ed toured the 4th floor with Judge Ossola and the space is filling up. There is a real need for space for probation. There is a leak in the roof on the 4th floor but Richard is looking into this and will try and repair it, otherwise some professional help will be called in.

#### ***Airport Regional Fire Station***

Ed and Phil Vaughn met on the Fire Station and took a look at the drawings and specifications in detail. Basically they were both pleased with the design and felt it was very cost effective. Total estimated cost is \$1.068 million. There are some cost savings however the most part is in the living quarters and those features are what the federal government wants in the building and since they are bringing in a lot of money this makes it problematic to eliminate this. Ed said he talked to Tim Sarmo last week and informed him of the anticipated cost and the fact for us to pull this off we might need \$400,000 or \$500,000 so we can obtain the necessary matching funds from the federal government. Tim thought this request might be high but said this project would be the only one for the December draw for considerations so there might be a chance of getting this amount. The Fire District will submit the request in order for the County not to compromise their position for the jail.

#### ***Janitorial Services***

Ed said Dale had obtained a contract for janitorial services from a private firm that is doing the work in Mesa County. The plan is to extract the work scope from that and establish activities and frequency for standards for cleaning this building.

#### ***KN Energy - Beaver Creek Road***

Ed, Mark Bean and King Lloyd met with representatives of KN Energy to resolve the terms for improvement and maintenance of the Beaver Creek Road and agreed to a date certain review of June 15, 2000 concerning the condition of the road. The County will have the sole discretion to decide the necessary replacements to that road. KN also agreed, regardless of that decision, that they will maintain the road for five years.

#### ***Hazard Mitigation and Emergency Council***

Chairman Smith attended and obtained a lot of information. She commented on the importance of Emergency Preparedness.

#### **PAYMENT OF BILLS AND PAYROLL**

Barbara Brown presented the bills and payroll for review and approval of the Board.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the bills and payroll as submitted; carried.

#### ***Human Services Board***

Commissioner Martin, Carolyn Dalghren and Margaret Long attended this meeting.

Commissioner Martin reported that this was a successful meeting of the Board in Denver. A 2.5% was agreed upon for the sanction of the program.

#### ***Judge Ossola***

Commissioner McCown inquired if Judge Ossola had identified the timeline crunch for more room in this building.

Ed said it was very soon. The Rifle facility is the same.

#### ***Walsh Environmental***

Ed said the report will be delivered on October 15 on the Airport Site.

#### ***Census Information***

Mildred stated Rob has been working on this.

#### ***Discussion***

The Census will not be done door to door in the rural areas. Several are questioning this method.

#### **JAIL DISCUSSION**

Sheriff Tom Dalessandri, Dale Hancock, Al Maggard and Don DeFord were present.

### ***Jail Count***

Total in Jail: 141. Main jail 42; 30 Work Release; 11 females; 7 Home Detention; no Day Reporting; 10 Workenders; 3 State Hospital; 38 in other jails - 10 are DOC and 2 DOC are in Garfield for a total of 12 DOC.

Tom added that those in other jails include Clear Creek, Summit and Rio Blanco.

### ***Community Corrections***

Al Maggard mentioned the regular board meeting will be held on Thursday of this week. He added that the Johnson County Sheriff may be up to talk to Community Corrections. They are interested in putting up a new facility. Al suggested bringing a Judge along.

### ***Restorative Justice***

Colleen Truden has more information on this program.

### ***Proposal Walsh Environmental Contract - Phase I - Airport Site***

Dale presented the figure of \$2300 in a contract contingent upon County Attorney reviewing for Walsh Environmental to provide the Environmental Impact Statement on the Airport Site. They can do this within two weeks after the notice to proceed order.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the payment of \$2300 to Walsh Environmental for the Airport site evaluation; carried.

### ***URS Greiner - Airport Site***

Dale stated that October 20 is the date when URS Greiner will begin the site cost evaluation on the Airport site. This should be completed by November 1. Both Walsh and URS will be ready by November 1.

### ***Railroad RFRHA And STB - Potential Litigation***

Commissioner Martin mentioned that Ed and Allen reviewed the budget that was proposed for RFRHA. Allen found it was very defective and unsubstantiated and no executive briefing at all on the budget. It showed there was a -0- balance for freight operations and the insurance was not carried the first half of 1999 and there was a couple of explanations. From the Board they were not going to budget any kind of subsidy which would mean there is nothing in that line item for freight because they do not feel this is proper. However, they did find there was maintenance costs so they will be putting something in that line item. On the subject of the taxing district, the outline that had been presented by the agenda indicated they wished to go ahead and join with RFTA the bus company and also to hire a consultant to put together a successful scheme to do a regional tax district for transportation. The study that was presented and approved was the one from Aspen to Parachute. Commissioner Martin indicated that Garfield County was not willing to enter into any kind of participation in a regional transit tax authority at this time. He did indicate that this is being presented today for discussion. In regard to this, Commissioner Martin submitted the contracts signed November 21, 1983 with RFTA that specifically says RFTA understands under Garfield County that they are not a taxing agency and that they have no power to be a taxing agency to run this particular program. However to join RFTA and RFRHA and to hire a consultant to put together a successful ballot issue gives Commissioner Martin great concern. He added that the Board needs to decide if they are going to go with it, wait and see what happens or take an initiative to say - time out - you are going beyond the scope of what we are supposed to be doing. Don and Walt Brown both reviewed the agreement with RFRHA and it clearly states that we purchased an operating railroad and that operating railroad did not say specifically "passenger or freight" but it was operational.

Commissioner McCown said he had heard the comments from the first that RFRHA had intended for RFTA to run the railroad if it ever existed.

Commissioner Martin said it was supposed to be a feeder system to pick up at stations and deliver different places.

Commissioner McCown added that in addition to the feeder stations coming to the different rail stations, he thought he understood that RFTA was going to run the railroad.

Don said if a Regional Transportation District was formed it would be kin to RTD in Denver and this is why that statute was passed. It gives rural counties the same type of authority. Commissioner Martin is current in that it is a funding mechanism, because it is a taxing district but it is also an operational authority. So apparently this is what has been discussed at this point and the way the statute reads it would have to come through this Board to be put on the ballot.

Commissioner McCown said he was reluctant to support a countywide transportation district at this time. Chairman Smith added she didn't think the whole county would even take advantage of it. Commissioner Martin mentioned another issue about the crossing in Pitkin County on the Pitkin Iron property at Woody Creek. This was used as an industrial site. Pitkin County proposed to the RFRHA Board that they change the crossing, which is classified as a historical industrial crossing used for that purpose, to a public crossing and then sell the property to a private developer to do some affordable housing on that property. The problem lies in changing the historical crossing to a public crossing. A lawsuit has been filed in Garfield County because we went along with RFRHA crossing at Cattle Creek. This historical crossing stays that way and even thought the developer wished to change this and pay for it, RFRHA wouldn't do it. There appears to be two sets of rules - one at the south end and one at the north end and staying consistent if essential.

Walt Brown interjected that S & S is the buyer. The sale has been made but the crossing has not been finalized.

Commissioner Martin mentioned that in renewing an embargo on the southern part of the line seemed to also go along with the county's discussions on freight being eliminated and the rail line itself to just continue the embargo and not look at improving it. RFRHA cited that is was the Emma Tressel that was causing the problem and the repairs would cost about \$6 million. That is why they are seeking and joining the Association of American Railroads and it is the only entity in the United States that can put an embargo on the line simply because it is not maintained properly. This has to be done annually and the embargo was put on in 1982. At the sale the embargo was automatically lifted because the ownership had changed. At that point the new buyers would have to put an embargo on it and they didn't do that.

Chairman Smith asked if consideration was given to the German gentlemen who walked the rail and didn't seem to think there was any problem with the trussels.

Commissioner Martin mentioned they brought him over here to promote the light rail and the use of this line and he found it was very useful and that freight was a very important part of that to get it going as soon as possible. RFRHA didn't want to hear this.

Don mentioned that an evaluation on historical structures on the rail line had not been done and needed to be completed.

Commissioner Martin said that the Emma Tressel would be considered an historical structure.

Chairman Smith referred to the article in the newspaper regarding the County asking for an Environmental Impact Statement (EIS) when they were already doing it. They are not doing it, they are doing an Environmental Assessment (EA).

Don clarified that there are two different processes going on and this has been missed in the translation. The EA was done in relation to the Railbanking question only and the reason the County filed an objection and asked an EIS to be done in regard to Railbanking. In terms of development of the entire corridor they are preparing to do an EIS but this is a different issue.

#### ***Executive Session - Possible Litigation***

Commissioner McCown made a motion to go into Executive Session. Commissioner Martin seconded; carried.

Commissioner McCown made a motion to come out of Executive Session. Commissioner Martin seconded; carried.

#### **COUNTY BUSINESS - DONATION OF EQUIPMENT TO FRONTIER HISTORICAL MUSEUM**

Library Director Jackie Spuhler submitted a request to donate a DuKane Microfilm Reader purchased in December of 1985 for \$750.00 that is currently in storage to the Frontier Historical Museum who can use the machine.

Commissioner McCown made a motion to allow the donation. Commissioner Martin seconded; carried.

#### **LIQUOR LICENSE RENEWAL: BUFFALO VALLEY INN - HOTEL & RESTAURANT**

Mildred Alsdorf presented the renewal for Buffalo Valley Inn for a Hotel and Restaurant Liquor License saying that she had no reports from the police regarding this establishment.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the liquor license renewal for Buffalo Valley Inn for a Hotel and Restaurant; carried.

Mildred mentioned that Sopris Restaurant would be forthcoming as they would be doing a Corporate structure change.

## **DEPARTMENT HEADS**

### ***County Engineer - Visa Card Credit Limit***

Ed submitted a request to raise the credit card limit to \$1000 for County Engineer Bob Szrot. A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the increase in the credit limit for \$1000 for Bob Szrot; carried.

Building and Planning

### ***Final Plat - Eagles Nest Tract B - Aspen Glen - SIA***

Mark presented the final plat for signature of the Chair.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the Final Plat and Subdivisions Improvement Agreement for the Eagles Nest Tract B - Aspen Glen Subdivision and the Clerk to hold until the letter of credit is submitted on Tuesday; carried.

### ***Municipality Workshop***

John Barbee said what he obtained from the workshop was that if the County wants to issue the access permits, then it should be noted that in other counties this has been a full time job.

Chairman Smith mentioned they still go before the State for final approval.

Commissioner McCown asked if the State was going to stop issuing these access permits and expecting the County to do so.

John Barbee said when this was originally discussed it was trying to get support for the change of designations rather than actually granting the County the autonomy without the State overseeing, but this was not going to happen.

Commissioner McCown mentioned the County is back to doing the leg work submitted to the State and he would just as soon the State do it all.

Chairman Smith agreed.

### ***Building and Planning Report***

#### ***Open Range/Fence Ordinance***

Commissioner Martin suggested this be looked at to make sure it is being properly addressed in the right to farm condition. He suggested looking at the legislation and what is taking place in that area.

#### ***Proposed Amended Plat - Lots 9 - 10 - Copperton - Moore***

Mark submitted the proposed amended plat for Charlie Moore and explained the purpose was to have better buildable lots.

The Board did not have any problem with Mr. Moore proceeding.

#### ***J. M. Enterprises - SUP - Fairy Caves***

John Barbee said this is a text amendment that would allow in the A/I Zone commercial/recreational facility/park as a special use.

Chairman Smith asked about the city boundary on this.

John Barbee indicated it is not in the city limits.

A motion was made to refer the text amendment change to the Planning Commission by Commissioner Martin and seconded by Commissioner McCown; carried.

#### ***SUP - Mineral Extraction in a Floodplain - David Rippy/Carl Midland***

Mark indicated that this was a technical issue and he didn't feel this needed to be referred to the Planning Commission.

#### ***Crystal River/Mountain Meadows - Hicks***

This involves a site review to see the new drainage plan.

Bob, Mark and Ed were going to review tomorrow.

Chairman Smith suggested her concern on the hillside on the Crystal River side.

#### ***County Road 109***

Mark mentioned the fiber optics line in the right-of-way and based on the maps available to us, this line is not in the area that we are proposing for the expanded shoulders on CR 109. However, as a part of the discussion, they would like to consider the option of having the Colorado Geological Survey review the proposed plans due to the failures experienced in the pass on the hillside. This is mainly because the irrigation ditch is not being removed from that section and Bob and Mark have discussed this and would like confirmation that putting that big wall up there is not a wrong decision. Mark said they charge on an hourly basis.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the hiring of a geological survey on the hillside on County Road 109; carried.

*Rural Resort Summit*

This is scheduled for Friday evening, October 9 and the IGA will be discussed. This has previously been approved and this meeting is a formality.

*Affordable Housing*

Mark mentioned the date of October 21, 1998 6 P.M. was set for the comprehensive plan proposal that has been moved forward to the Planning Commission.

***Extension***

*Gas Well Complaint - Parachute*

Carol McNeel reported for Pat McCarty on the situation with Bill Allen and the complaint in Parachute where there was some unknown residue onto his garden and he is very concerned if it was toxic. Pat took the samples in and at the present time they are waiting on the diagnostic results.

Commissioner Martin said it consisted of some slime on some fruits and vegetables that created the concern.

*Annual Forum - Fort Collins*

Carol mentioned her staff was at their annual forum last week at CSU. David Benis from Montrose has been elected the National President of the Horticultural Agency.

Carol said she received her 15 year award at the forum.

*Move to Rifle*

Carol mentioned they will be renting a U-Haul Trailer and hoping to start October 7 - 9, depending upon Work Release assistance. The telephones will hooked up October 16 and they will keep the Glenwood number and it will forward to Rifle.

*Secretary Position*

Interviews for this position will occur on Wednesday and there are five candidates. Some have 4H experience and some do not. Pat, Barbara and Carol are doing the interviews.

*One-Day a Week Office In Glenwood*

Carol said that they would not be interested in this as in the past this hasn't worked.

**ROAD AND BRIDGE PERMIT TO INSTALL PIPELINE WITHIN COUNTY ROAD 204 RIGHT OF WAY  
APPLICANT: JOHN OBOURN, JR. AND VENOCO LLC**

King Lloyd, John Obourn 9680 East Powers Drive, Englewood representative of Venoco; Bernie Lippman 365 Will Avenue, Rifle representative of Venoco; Bob Davis Division Landman for Venoco and addressing questions regarding economics; and Chuck Mayhy Manager of Operations addressing any specific operation related questions were present.

John Obourn said they are dealing with some portion of CR 204 and Venoco is proposing to install a 4" pipeline in the bar ditch of CR 204. For the most part there is an existing 6" pipeline there now. A copy of the placement of that present line is included the Board's packet of information. The new line is an effort to enhance the production in these fields. Venoco operates approximately 23 wells and the compressor which comprise the Cedar bench unit and the gasoline unit which are all accessed off of this CR 204. This is a seasonal road as it is closed in the winter months and the County performs periodic maintenance when the weather allows. This is a remote area on the west end of the road and there is one part-time resident who they have met with. The second resident in the area is a pumper for Venoco and a full-time resident. BLM has indicated that after the second season generally you don't see a lot of individuals in this area at all. John continued saying they are proposing to install the 4" line adjacent to the existing 6" line. Economic valuations and time constraints are the factors facing this project. He added that there is a win-win situation for both Venoco and the County and Venoco would be looking for some flexibility from the County. One benefit would be to identify in a survey the exact location of the 6" line that was installed in the 80's as well as the addition of the 4" line. They would also address the slope of the road, the existing and the three that were identify by Tom that needed to be added for enhanced drainage on CR 204.

BLM is waiting on a decision by Garfield County prior to issuing a permit.

There are three items that were included in Tom's letter to Road and Bridge that are putting the economics of this project into a category where possible alternatives would be necessary. One alternative identified by Venoco is to actually move their compressor further back into this area to the west. The three items are what Venoco is looking for flexibility based on the remoteness of this area. The number three issue is the

compaction percentage. The prior line installed probably had a compaction standard applied when it was installed. Revegetation has taken place and there has been very little slouffing. 95% compaction within the road prism is being required, but 85% in the ditch would be acceptable to BLM and hopefully to Garfield County. The second item is the condition of no construction past November 1st.

Venoco obtained the property from Great Northern Gas; Cedar bench was obtained from NERCO.

Commissioner McCown mentioned that one of the biggest complainants is the individual who works for Venoco and lives in this area.

John said Venoco would address Todd.

King added that digging is as big a concern as the construction and is also a concern at the Roan Creek intersection due to muddy road conditions to Todd's house. This road fails when it gets wet; it is hard to maintain; dusty conditions exist; and there will be a lot of traffic associated with this pipeline.

Bernie Lippman indicated if they have a November 1 deadline and it stays warm for two weeks prior to this date, then the construction can be completed.

John said what Venoco is looking for today from the Board is having the road at a higher standard. The work being proposed on this County Road will benefit the County and allow Venoco to be driving on a better road as well and it will be good for all parties.

Discussion was held.

Commissioner Martin made a motion to go along with the recommendation to extend this until November 1; added that a County employee will do the inspection; and he kept the recommendation by the Road and Bridge Department to have 95% compaction in the ditches.

Commissioner McCown seconded. Motion carried.

King reiterated the need to have the Road and Bridge Department employee reimbursed for time spent in doing the inspections.

Commissioner Martin amended his motion to include the reimbursement factor. Commissioner McCown seconded the amendment; carried.

**PUBLIC HEARING: ZONE DISTRICT TEXT AMENDMENT SECTION 3.01.03; 3.02.03; 3.10.01 AND 3.10.04 TO ALLOW FOR "SHOOTING RANGES" AS A SPECIAL USE APPLICANT: BOARD OF COUNTY COMMISSIONERS**

Mark Bean and Don DeFord were present.

Don DeFord determined that adequate and timely public notification was in order and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark presented the following exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Project Information and Staff Packet; and Exhibit C - NRA Manual and especially noted Page 3 and 4 of the Staff Packet.

Chairman Smith admitted A - C into the record.

Mark said the Board of County Commissioners asked staff to present proposed zone district text amendments to the Planning Commission that would make provisions for a "shooting range facility" in the rural areas of Garfield County. At a minimum a shooting range should be a special use permit, to allow for the site by site review, subject to certain review standards. The facilities should be located in rural areas, which means that they would need to be located in the A/A/R/RD (3.02.03), A/I (3.01.03) or R/L (3.10.04)(3.10.01) zone district. As a special use permit, it is necessary to establish some performance standards to base an approval. The following are suggested standards, in addition to the basic standards contained in Section 5.03.02:

All outdoor shooting ranges shall be designed by a NRA Range Technical Team, in accordance with the standards established in the NRA document entitled, "The Range Manual".

All shooting ranges will have sanitary facilities on site.

Any lighting used for a shooting range shall be oriented inward and downward.

No alcoholic beverages will be allowed on the shooting range site.

***Recommendation***

The Planning Commission recommended APPROVAL of the proposed zone district text amendments as stated.

Discussion was held as to what prompted this zone amendment; the existing shooting ranges being Grandfathered in; who inspects and enforces; and the time restrictions.

Don suggested the Board continue this matter and allow he and Mark to come back to the Commissioners with suggestions addressing their concerns on these issues.

A motion was made by Commissioner Martin to continue this until November 16 at 2:30 P.M.

Commissioner McCown seconded; carried.

#### **ROAD AND BRIDGE DISCUSSION**

King Lloyd and Mike McBreen were present.

#### **BID AWARD - CINDERS**

King submitted the bids for cinders and a memo dated October 5, 1998. He said there was only one bidder - Roaring Fork Sand and Gravel - total of 5,000 cu. yd. for \$51,250 and \$10.25 per cu. yd. This includes the treatment that will prevent the pile of cinders from freezing.

King recommended to award the Cinder bid to Roaring Fork Sand and Gravel.

Commissioner Martin made a motion to go ahead and approve the bid from Roaring Fork Sand and Gravel of \$10.25 per cu. yd. Commissioner McCown seconded; carried.

#### **BID AWARD - ROLLERS**

This was once again postponed. The Rollers have not arrived.

King was in touch with the salesman and they should be here in one week. The company is giving us a roller to use.

#### **DISCUSSION - COUNTY ROAD 149B - WAGNER**

King Lloyd and Don DeFord were present.

King submitted the bid. Kenny and King met with Vance Wagner last Monday and the re-vegetation specialist was present also. King explained the process and said that Mr. Wagner was supportive of the process.

Don suggested that Mr. Wagner sign off on the acceptance of this proposal.

Commissioner McCown made a motion to accept the bid from the West Glenwood Tree Farm for \$309.00.

Commissioner Martin seconded. Motion carried.

#### **SIGNING OF EQUIPMENT FINANCE PACKET**

Don said he discussed this with Ed and Mark. He had some concerns on the agreement. This was to start December 1998.

Commissioner McCown mentioned that some of the equipment has already been received and will be paid back out of this agreement.

Don mentioned his concern that he is concerned with the security interest in the equipment and makes it seem like a purchase versus a lease. If it becomes a purchase it violates Tabor.

King suggested that this document be reviewed and brought back next week.

Don, Allen and King will discuss this with the financing company.

#### ***Oversized/Overweight Report***

King mentioned they added axle charges to the report. Fees are up with the new fees in effect.

The companies are 100% compliance in upgrading their bonds.

King mentioned that the State assisted in the scales and compliance.

#### ***Meeting - KN Energy***

King said they met and did obtain an agreement with KN Energy.

#### ***Follow-up***

Mark met with the Intermountain Timber and they said they hope to get things worked out with KN and Wildhorse for part of the road improvements. Mark said the timber company realizes the road work that is necessary.

King said they could not haul until the work on the road is completed. Contract Change Order - *Contract Change Order - Striping*

King will bring the change order from Warning Lites & Equipment back with unit prices included.

King said there were some additions to the contract including Mamm Creek and Mel Rey Road.

Chairman Smith mentioned that she had received a lot of letters regarding the road work on Mel Rey Road. She said the heavy trucks are still going up Mel Rey Road and turning around.

King mentioned that the sign was in the way of the construction crew.

*Various Complaints on County Roads*

Commissioner Martin gave the various complaints on the following County Roads to King - CR 115 and CR 117.

**COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Skip Lloyd - Antlers Lane, Rifle - Special Use Permits.

Skip's comments were in regard to the Special Use Permits in general but he referenced the Riding Arena and Tire Shop. He said the purpose of Zoning was set up for low residential and agricultural, and yet individuals are coming in the County to request commercial businesses. He personally felt this was not proper. He felt they should operate in a commercial zone instead of having the County approve a SUP. He would like it to be stopped or slowed down. He only has five acres of agriculture and he uses it completely for that purpose.

The Rifle Telegram was in error and it was acknowledged regarding the tire shop.

It was correct in the Glenwood Post according to Chairman Smith.

**DEDICATION OF ODIN DRIVE**

Daniel Becker of 1340 Ballard, Silt; Mark Bean and Don DeFord were present.

Daniel reviewed the situation by saying this was a parcel on CR 456 that was part of the 4th filing of the Asgard Subdivision. His father had wanted to do a subdivision but they did not find water so it was never done. His dad wants to deed this parcel to three (3) family members. What he requested of the Board includes, in legality, a deduction to the County for one third of a mile of Odin Drive.

Don stated the way to properly do this is to simply get a legal description for the right-of-way and deed it to the County and this will accomplish what he is wanting to do.

Daniel stated it was a paved and maintained County Road.

Don stated the process would be: Daniel deed it to the County; Don brings it before the Board; the Board would pass a Resolution accepting the deed for right-a-way; and both documents would be recorded. At that point it becomes the Counties, Daniel loses it, and then you have a public road that splits the property. However, he suggested the County Surveyor needs to check the legal description and verify that it is accurate so the Board knows that it meets his requirements.

Commissioner McCown so moved and seconded by Commissioner Martin. Motion carried.

Don further explained that the Chair will need to sign a Resolution once Sam Phelps does the legal description. Don said the deed and Resolution would be recorded at the same time.

***Executive Session - Personnel Issue in Building and Planning and RFRHA Litigation***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of Executive Session; carried.

***RFRHA - STB***

A motion was made by Commissioner Martin to go ahead and file a letter of objection and not seek a hearing with the Surface Transportation Board (STB). Commissioner McCown seconded. Motion carried.

Don said the letter will enumerate the need to complete an EIS prior to Railbanking and the need to preserve the line for freight service; and the Board feels that RFRHA has not pursued freight service in good faith pursuant to their agreement with Garfield County. Don clarified as well that the Chair was authorized to sign the document.

**MID-AMERICAN PIPELINE COMPANY - SPECIAL USE PERMIT**

This was rescheduled for Planning and Zoning Meeting - October 14, 1998

**PUBLIC MEETING FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION FOR SONIA SIMON LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF COUNTY ROAD 261 AND COUNTY ROAD 250 APPLICANT: SONIA SIMON**

John Barbee, Don DeFord and Sonia Simon were present.

Don determined that notification was in order and advised the Board they were entitled to proceed.

John Barbee said this is an exemption from the definition of subdivision on a 40 acre tract of land located approximately two miles at the southwest corner of the intersection of County Roads 240 and 261. The

parent tract will be subdivided creating a total of four (4) parcels of 3.23, 3.23, 3.23 and 30.31 acres. All parcels will use an existing well with a well sharing agreement and utilize individual sewage disposal systems. Access will be directly off of CR 250 for the smaller parcels and the larger parcel will access via CR 261.

The pump test report was submitted showing quality and quantity by Mr. Hicks and this indicates the well is adequate. The letter from the Fire Protection District needs to be submitted.

John read from Condition No. 5 regarding water.

Don asked about the West Divide Contract and recommended it be included as one of the conditions.

John Barbee mentioned that he would include it.

David Hicks has a contract to purchase the property. He mentioned the condition regarding water and sewer and said he would like to use the well for irrigation when the houses hook up. He referenced "remove any existing well heads."

John said he could change this condition to read for nonagricultural and any possible change of use in the future other than agricultural would be prohibited.

Don said in Condition No. 6 the County will need to obtain from someone, perhaps Mr. Bassone, that the quantity of water from this well will be adequate to serve the proposed lots, the existing lots and this includes any agricultural uses.

David Hicks said the West Divide Contract will be written that way.

David said he was going to do a well test in February again.

### ***Recommendation***

Staff recommends APPROVAL, with the following conditions of approval:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lot(s), 25 ft. wide access to a public right-of-way, and any proposed easement(s) for setback(s), drainage, irrigation, access or utilities. Access to Lot 1, as proposed, shall be via CR 250, with the 25 ft. wide access easement being located outside of the clear sight triangle as is created by the intersection of CR 250 and CR 261.

That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.

That the applicant shall submit \$250.00 in School Site Acquisition Fees for the creation of the exemption parcel.

That the following plat notes shall appear on the Final Exemption Plat:

"Control of noxious weeds is the responsibility of the property owners."

"One (1) dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owners property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption.

One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed of natural gas burning stoves and appliances."

"All exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"If, in the future event that the properties described on this exemption plat, have the reasonable ability to connect with any municipal or centralized water and/or sewer systems, the subject property owners shall be required to connect to said service and remove any existing well head(s) and individual sewage disposal system(s) which may be located on said property, within one year of the effective date of service availability."

Prior to the approval of an exemption plat, the applicant will demonstrate that the well will meet the following:

1) That a seventy-two (72) hour pump test be performed on the well to be used, during the month of November;

2) The results of the seventy-two (72) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;

3) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;

4) An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day;

The applicant shall provide a letter of service from the applicable Fire Service District, or a plat note to the effect that no such service exists.

The applicant shall provide a well sharing agreement, or other water service provisions which has the ability to provide a level of water delivery service if the seventy-two (72) hour pump test indicates inability to provide amounts previously defined in these conditions.

Commissioner McCown made a motion to approve an exemption from the definition of subdivision for Sonia Simon in the parcel as described in the legal description with the recommendation of approval by staff including No. 9 which would include a contract with West Divide Water Conservancy District and in No. 5 changing the verbiage on removing existing well head. Commissioner Martin seconded the motion. Motion carried.

#### ***Keithley - Second Amended Plat***

Mark mentioned the Keighley's moved the boundary lines and requested the Chair be authorized to sign the seconded amended plat.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the seconded amended plat for Keithley that involved moving the lot lines around; carried.

#### ***Extension - Fairboard***

##### *Workshop*

Carol McNeel said that at the last Fairboard meeting the members had some concerns about how to run things again and Carol added that the group is really getting burned out.

Chairman Smith suggested a workshop.

Carol agreed this is what they wanted.

Chairman Smith also suggested some new administrative procedures be implemented.

Carol was going to get some dates lined up; Ed and the Board would be involved.

November 4th or the 10th was suggested.

##### *Part-Time Fair Manager*

Discussion was held on this possibility.

Commissioner McCown stated that he couldn't support a social director.

#### ***Colorado Animal Rescue***

Don mentioned that Cindy Crandell submitted her letter of January 5, 1998 regarding the donation of \$25,000 towards the purchase of land and the construction of an animal shelter for the benefit of Garfield County residents. He mentioned that she wanted a contract for \$25,000 for 1998, 1999 and 2000. Under Tabor we cannot commit for more than one year. We can provide funds for 98 and 99. Cindy will use these funds for capital expenditures.

Commissioner Martin said that in talking to Cindy, her architect Mr. Moffat had completed his renderings and submitted the bill. Commissioner Martin speculated that the intent was if they could get all of this money now they could use it to pay Mr. Moffat's bill.

Don said he would answer that our understanding is we will pay \$25,000 in 1998 immediately upon request which is to be used to compensate for design of the facility; we agree that in 1999 and 2000 we will give funds by appropriating \$25,000 for similar purposes or for capital expenditures.

Ed asked where is the money and which budget does this come from?

It was later determined to be under the Sheriff's budget for animal control.

##### *Emergency Preparedness Worksession*

Chairman Smith mentioned the World Cup Events in Vail in January and February. We may have the same request for this event the same as when the President was in Aspen.

##### *How do you prepare children?*

This is an issue that needs the school districts support. Mass casualties would need to use the schools and busses.

**PUBLIC HEARING FOR A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT LOCATED OFF OF COUNTY ROAD 216, NORTH OF SILT APPLICANT: PATRICK AND JACKIE KNEEDLER**

John Barbee, Don DeFord, Patrick and Jackie Kneedler were present.

Don DeFord determined that adequate and timely notification was made to the adjacent property owners but no notice was placed in the newspapers.

Commissioner Martin informed the applicants the problem and how this could be challenged.

This was rescheduled for November 9 at 2:45 P.M.

The Kneedler's were advised to do this right away.

**CONTINUED DISCUSSION COUNTY ROAD 266**

Ed Green, Mark Bean, Al Tardiff, Richard and Dana Maddox were present.

King was ill and had to go home, however Ed presented a proposal to build a T-turn around for the new owners of the Call's property. He submitted the photographs that King had shown at the last meeting.

The prospect of doing a T- Turn Around into the Call's property about 140 feet from the gate was explained and each party was presented a handout.

The new owner of the Call's property, Al Tardiff said he was putting a modular on his property and explained where he wanted to put his driveway.

Discussion was held and the letter from Mike Mello was read into the record.

Commissioner McCown remarked in response to the fact that Road and Bridge had been plowing the roads in the past and evidently using land that was not authorized. What we had been doing was wrong and now we are and have been trying to find a solution to this problem for the past two months. He reminded the landowners that the County could condemn the property and make a turn around and make everybody mad. But the Board doesn't want to do this and therefore hope to come to a resolution between the property owners in the area.

Don DeFord said that if the County had an easement with a right to use the property we could go in there but our right to go in there has been challenged and at this point it doesn't look like there is a public right-of-way there. So until there is the County can not use the property there is nothing we can do. He added that this is a unique situation to the County.

Commissioner McCown suggested widen the roadway, come towards Mr. Tardiff's fence and allow the trucks to back into his driveway. This will do two things: 1) it will allow Mr. Tardiff a wider turn in that he wanted but 2) there will be the inconvenience of a truck backing in occasionally to turn around.

The direction given was not to encroach beyond the 25' easement the County has now and then take the rest of it by widening the road on the other side. This keeps us staying in the County Roadway.

Mr. Maddox asked if the County could place a sign at the beginning of where CR 266 and CR 216 begins saying "dead end - no turn around?"

Commissioner McCown said the County could not do that but it might be possible to put a sign saying "dead-end - no outlet." He added that the County would pipe the ditch where necessary in conjunction with this turn around.

The Commissioners mentioned that King Lloyd went home ill and therefore they could not speak for him time-wise in getting this accomplished.

***Adjourn - 5:03 P.M.***

A motion was made by Commissioner McCown to adjourn. Commissioner Martin seconded the motion; carried.

Attest:

Chairman of the Board

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**OCTOBER 12, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 12, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green; Assistant County Administrator Allen Sartin; County Engineer Bob Szrot; and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

**COUNTY ADMINISTRATOR**

Ed Green gave his report before the Board.

***Correspondence - Bureau of Census***

Garfield County has been requested to provide the Census Bureau with addresses and pinpoint map of each address relating to each resident in the County. Rob has indicated that this is very complex and time consuming. The real problem is those that respect to individuals that have built on roads and streets that didn't exist in 1990. Rob estimated that the maximum risk of undercounting these incorporated areas would be less than 1% or about 300-400 individuals.

In order to mitigate the risk Rob suggested we focus our efforts on sampling a few selected areas where we've experienced growth in those unincorporated areas. In this way we could reduce the risk from 1% to variation in error. He recommended we take that approach and not expend a lot of resources pinpointing and mapping each and every resident.

Chairman Smith said her fear is undercounting; these numbers are used for federal dollars and if they are overlooked it could be significant in the amount of money received in any federal grants.

Mildred said she was contacted and relayed that all she had in her office would be voter registration lists and motor vehicle lists and offered these for a cost that she charges anyone else.

She added they were used to complete her precinct maps.

Discussion continued.

Commissioner McCown said 911 would have a thorough count as well.

Rob would need a temporary person to assist him in the process to gather and compile all the information in the field.

If this doesn't get done correctly then the County is the one that suffers.

Ed said it boils down to risk.

Chairman Smith suggested to give them all we have with the least risk.

Ed said they would do their best.

Chairman Smith suggested a letter go out implying that this is a federal mandate and feel they should do their work.

***Resolution - Retirement Contributions to Tax Deferred Plan***

Ed and Allen explained the purpose of converting to a pretax strategy.

Allen said that the retirement plan deduction currently is done after income taxes are calculated. This change would reduce gross wages by retirement deduction before calculating income taxes and this is legal under the IRS. What this does then is the employee will be contributing to their retirement plan in a tax free situation and will save them income tax money coming out of their paycheck every month. He estimated for someone in the \$20,000 - \$30,000 pay range, it will save \$10 - \$15 per month which will be added to their net pay.

Commissioner McCown made a motion to authorize the Chair to sign a resolution converting mandatory employee retirement contributions to a tax deferred plan. Commissioner Martin seconded the motion; carried.

***Budget***

Allen Sartin mentioned he had completed all the review processes. The budget copies will be disseminated with a 15 page narrative that is crucial for the Board to review on Thursday. After that some work sessions will be scheduled to review the personnel, capital projects and special projects. A focus will be on the major issues and then a time for Board input. It is a 300 page document. The goal is November 14 and for budget adoption for early December.

The following date was set: Wednesday - November 4 for 6 hours beginning at 8:00 A.M. All department heads will be invited to attend.

Allen said personnel requests will be first with all department heads; then capital and special projects as these are not controversial. He summarized that 14 new positions were requested and there will only be 7 that can be allocated this year. The positions are not related to work load issues as he realizes all those that requested additional staff are overloaded with work.

#### ***Department Heads - Winter Conference - CCI***

King, Margaret, Ed and Dale were prioritized for a total registration fee of \$1200.00. Chairman Smith said she has to go for the insurance part.

#### ***Communications Board***

Meeting in Silt on Wednesday, October 14. Ed and Judge Ossola will be presenting the request of routing court alarms through the Communication's network.

#### ***Coordination - Lease of Equipment***

Ed presented the heavy equipment lease and established a coordination meeting on Thursday, October 15 to discuss this.

Don asked if the Board would approve bond counsel Blake Jordan to review the document if they determined it was necessary after the initial review was completed.

The Board agreed it was okay.

#### ***Doug Weller - Telephone System***

Ed said he and Dale met with Doug Weller and Doug is mapping the current telephone system and what he believes the County needs to do immediately as well as future needs as it relates to networking. Doug has some suggestions to add four trucks for modem uses and a bay to expand to 96 additional ports. 12 modem extension costs plus cabling is \$3,600.

Ed recommended to go ahead and added it will improve the voice mail capabilities.

A motion was made by Commissioner Martin to go ahead and follow the recommendation of management. Commissioner McCown seconded. Motion carried.

#### ***Rural Resort***

A pass through bill for Rural Resort was submitted and Chairman Smith asked for a hand check to be approved.

#### ***Canyon Creek PUD Amendment***

Don DeFord said the agenda item will open today and receive information from the County Engineer and then postpone until the November 2 meeting.

#### ***Executives Sessions - Litigation - Gardner, Archuletta and Surface Transportation Board***

A motion was made to go into Executive Session by Commissioner McCown and seconded by Commissioner Martin; carried.

A motion was made to come out of Executive Session by Commissioner McCown and seconded by Commissioner Martin; carried.

A motion was made by Commissioner Martin to authorize Don DeFord to hire Kathy Green to represent the Sheriff's department in the EEOC case involving Kelly Gardner. Commissioner McCown seconded the motion; carried.

#### **JAIL DISCUSSION**

Sheriff Tom Dalessandri, Sheriff's Deputy Jim Sears, Dale Hancock, Al Maggard and Don DeFord were present.

#### ***Jail Count***

Total in Jail - 133. 41 main jail; 28 Work Release; 8 females; Home Detention 7; no Day Reporting; 10 Workenders; 1 State Hospital; 38 other jails and 8 are DOC.

### ***Community Correction***

Dale said he has everything assigned in respect to the jail sites and he is waiting for the reports.

### ***Objections to Petition for Exemption and Abandonment***

Pursuant to the Notice of the Surface Transportation Board, service date July 20, 1998, as well as the provisions of the Section 49 U.S.C. 10502 U.S.C. 1903, 49 U. S.C. 1905, the Board of County Commissioners of Garfield County, State of Colorado, objects to exemption and abandonment pursuant to 49 U. S. C. 1052 (b) on the following basis:

- 1) A substantial portion of the entire railroad right-of-way that is the subject of the abandonment proceeding lies within Garfield County. The subject line has provided, and may provide in the future, rail freight service to the municipalities of Glenwood Springs, Carbondale and industrial and commercial sites approved under the Garfield County Comprehensive Plan lying adjacent to and between those municipalities.
- 2) Service to these areas is essential to the development of a rural community within Colorado. The lack of service to this area provided by the Roaring Fork Railroad Holding Authority and its predecessors in title has already detrimentally affected the development of this rural area. Abandonment of the subject line will result in a permanent adverse impact to development of that rural area as contemplated by the provisions of Section 49 U. S. C. 10903(d).
- 3) Previously, the Board of County Commissioners of Garfield County withdrew its objection to rail banking and abandonment of the subject line premised upon representation by RFRHA that it would undertake the establishment of freight as other areas along the subject rail line. The current objection is reestablished at this late date for the reason that to budget any funds whatsoever in 1999 for the establishment of freight service, and has failed to undertake and complete negotiations with potential freight users of the subject line as previously represented. Based on those actions, this Board can only now state that it does not believe that RFRHA has no intention of reestablishing freight service once the line has been abandoned.
- 4) By separate filings, this Board has requested that no abandonment or rail banking be permitted without undertaking a full environmental impact statement process to evaluate the impacts of abandonment upon the environment. We continue to object to rail banking and abandonment of the subject line without undertaking that process for the reasons set forth in previous correspondence. Commissioner Martin suggested the Board accept public comment at the 9:30 A.M. agenda time and determine at that time whether or not to proceed.

### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Bruce Christensen - 810 Crestwood and Gregory Durrett - 926 Blake, both from Glenwood Springs representing the Glenwood River Commission came before the Board accusing them of having another agenda in trying to stop the trail system. The letter the Board sent to the Surface Transportation Board said there was significant degradation of the human environment that has already occurred within the existing right-of-way through the construction of the new bicycle and pedestrian paths. They claimed the Board was making untrue statements that were damaging to the residents of Garfield County and reminded each one they were elected to serve to people.

Commissioner Martin asked if the drainage plan had been submitted to the Corp of Army Engineers that controls the water ways? And also has the soil been analyzed? And what contaminants have been found? The degradation of digging up a railroad bed has to go through a process to establish what environmental impact it is for the drainage, the soil, what are you digging up and is it a hazard to the people along that corridor.

Bruce Christensen wanted to know if this was what the Board meant when they wrote that it was harming the human environment?

Commissioner Martin said yes it was.

Bruce added they wanted in very clear terms exactly what the damage was and the basis for the allegations. What study did the Board do to make that assertion?

Commissioner Martin again asked Bruce if this study had been done as he originally described.

Bruce commented he has worked on the Trails System for 7 years and engineering studies have been done and wondered if Commissioner Martin had asked these questions prior to making the statements. He did offer to provide Commissioner Martin with the study results.

Chairman Smith reiterated the question directly posing if an Environmental Impact Assessment (EIS) had been done?

Bruce responded that no an EIS had not been done and it was not necessary. He said the Division of Wildlife has funded a significant amount of the cost of the trail. They have worked in the entire period with all of the various governmental entities involved in the environmental portions of the trail.

Commissioner Martin once again focused on the Environmental Impact saying he was very concerned for the water of all the down valley residents. The significance of digging up 4 - 6 feet of previous rail bed, disturbing the soils, the run off sending this down stream, and putting this back into the environment was the focus of their objections. If this has been mitigated, then he said to bring it forward and the Board would retract what they said.

Greg Durrett and Bruce Christensen were mostly concerned that the Board's letter to the Surface Transportation Board stated as fact that degradation to the human environment has occurred because of the construction.

Commissioner Martin mentioned the Board's agenda was to build an industrial base that will compliment the tourism base. There is an opportunity to create an industry to bring an economic base back to the County. He emphasized that the Board was not trying to hurt the trails but he wanted to make sure the folks down valley were protected from water pollution.

Don DeFord suggested that both Bruce and Greg read the entire paragraph as a whole.

#### ***Other Citizens Responding to the STB Letter***

Bob Mullen and Chris Chacos from Carbondale said they listened to the discussion just held and Chris said "I'm appalled at the apparent attitude toward trails that this has shown and is the first time in his experience (and read directly from the Board's letter) "that a people path along the river significantly caused degradation of human environment." He said he didn't have any objections when the Board was saying to follow the same rules for putting paths in that any other public facility must followed. But the public reading this seemed to understand that the Board was saying "paths are bad because it destroys human environment."

Chairman Smith said her concern was that EIA's have always been required on most things and this Board doesn't have any evidence that this was done.

Commissioner Martin stated the reasons the Board has taken this position of requiring an EIA is in order not to be negligent to the citizens here and down valley.

Bob Lucas said he gained an appreciation of where the Board is coming from but the wording in the letter as the newspaper reported it signals this Board is not for trails as readily as they would hope they would be. He requested they be more specific in the statements made.

#### **COUNTY BUSINESS - EMPLOYEE OF THE MONTH**

Sheila Onsgard was named the Employee of the Month.

Mac Meyers was present for the award.

#### ***Letter from the School District***

Chairman Smith mentioned the School District sent a letter to the Board saying there was not a good screening fence between the school grounds and the gravel piles expanding along the bike/pedestrian path. King said the School District has been doing a lot of work of that playground and also individuals are using the Road and Bridge access to work on the path.

Chairman Smith suggested King follow up and see what they are doing.

#### **BUILDING AND PLANNING DEPARTMENT**

Mark Bean submitted the report.

#### ***Activities***

340 is the total number of permits issued and is higher than the record in 1996.

Battlement Mesa and Carbondale are the two busiest locations in permits however, Rifle and Silt Mesa are beginning to see an increase. Shows population is shifting.

### ***Planning Department Activities***

Mark said there was no significant increase but they are hearing rumors that a larger subdivision is forthcoming. He projected Spring Valley would be submitted in early November.

### ***Enforcement Report***

Steve Hackett's report regarding location of code violations was submitted.

### ***Amended - Senior Mesa Exemption***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the amended Senior Mesa Exemption; carried.

### ***Resolution - Aspen Glen Zone District Text Amendment, PUD, and Denial of Amendment to Resolution 92-056***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with the approval of an amendment to the Aspen Glen Planned Unit Development Plan and Zone District Text Amendment and denial of an amendment to Resolution No. 92-056; carried.

### **RED HILL COMMITTEE UPDATE**

Alex Schwaller - 1434 County Road 107 submitted a pamphlet that explains the planning effort in conjunction with BLM. The big change from BLM is to restrict motorized use. Discussion was held with respect to parking on CR 107 and the decision was made to place "no parking signs" along the road and bring in the Sheriff's Department for enforcement.

The Board suggested that Alex come back and provide updates on how well this is working.

### **BUILDING AND PLANNING DEPARTMENT - Continued**

#### ***Special Use - Floodplain - Cattle Creek - Rippy***

Mark mentioned the Special Use Floodplain on Cattle Creek submitted by Rippy. This was decided to be set on the Board's agenda.

### **EMERGENCY MANAGEMENT DISCUSSION**

Guy Meyer, Bob Szrot and King Lloyd were present.

Guy presented that on September 25 they had a plane crash exercise on the table top and all but the law enforcement personnel participated.

#### ***County Management Team Meeting***

November 6 at 1:30 P.M. Guy will attend the County leadership meeting and will be working with the departments on their responsibilities regarding emergency exercises.

#### ***Social Services***

Ed did a walk through at Social Services and found they have never have done a fire drill at the Mountain View Building.

Guy Meyer asked if the County has the capability in the telephone system to dial one number and disperse an emergency message.

Chairman Smith suggested this be checked into with Doug Weller.

#### ***Garfield County and Eagle County Emergency Planning***

Chairman Smith asked Guy if he was included in any of the combined counties emergency planning - Vail '99. Her concern was terrorism.

Guy said he had some conversations with Eagle.

#### ***Bureau of Reclamation***

Guy said this is still working but nothing has been settled regarding doing a 'Dam Exercise on Rifle Gap' with the Bureau of Reclamation out of Grand Junction. This will probably happen sometime during November.

Chairman Smith suggested pulling in the ETA Group in on this.

#### ***Change in Legislation - Dangerous Material***

Commissioner Martin said he received information from CCI about the change in legislation on the Hazardous Material. He routed this to Ed and Ed to Guy and the response from Guy was presented. This is only being discussed at this point.

Guy said the responsibilities drive the issue back to the local level. The way the current system is set up statewide there is a hodgepodge of different agencies that deal with hazardous material issues. The opportunity is here to take all the different coordinating functions and put them under one agency so it would be one-stop shopping. This will come up at this legislative session.

Ed will look at this and meet with Guy.

### ***Letter to the Surface Transportation Board***

The Board discussed the letter.

Commissioner McCown made a motion to strike the word "human environment" and he will go with the letter to the STB. Commissioner Martin seconded. Motion carried.

Don corrected the letter according to the comments and suggestions made by the Board included in paragraph No. 1, 2, and 3 and Commissioner McCown moved to authorize the Chair to sign the letter. Commissioner Martin was out of the room so Chairman Smith stepped down as Chair to second the motion; carried.

### **CANYON CREEK PUD AMENDMENT**

Mark Bean, Russell George, Carl Smith for the Homeowners Association, Bob Szrot, Jim Sills and Don DeFord were present.

Don advised the Board they were entitled to proceed to accept proper notification and open the meeting and receive some information and then extend to a date certain.

The original proof of publication was submitted and the receipt of it. Don added that no mailings to property owners were needed.

Carl Smith explained the project for the Homeowners Association. He said the cul-de-sac project is 98% done. Some homeowners had their driveways paved as well during the paving process. The upper road was worked on with contractor to increase the curb size. It is ready for paving and the paving company will be coming out this week. The design work is done; all engineering and plat work completed; and was submitted to the County Engineer and Building and Planning Director. The Fire Department has signed off on the turnarounds.

Don asked if Carl had talked to various homeowners and the developer to confirm that they will execute a new subdivisions improvements agreement?

Carl said it was submitted to the County; it was published in their newsletter and each homeowner was notified.

Bob Szrot explained he had reviewed the design on the upper portion of the project and stated it included a 30 foot radius for a cul-de-sac and Canyon Creek is putting in a 35' radius. This should accommodate light truck and also added some additional provisions for the fire department. Bob said he is satisfied that this will meet the subdivision improvement agreement.

Don suggested to wait until after the work is done to do a SIA as the County needs the needs the certification and recommended to postpone this until the November 2 meeting.

A date and time was set for 5:00 P.M. on 11/2/98.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to postpone this until November 2, 1998 at 5:00 P.M.; carried.

### **PUBLIC HEARING - CUP FOR HOME OCCUPATION. LOCATION APPROXIMATELY 4 MILES NE OF RIFLE, OFF OF CR 259. APPLICANT: GEORG ANN JEWELL**

Mark Bean, Don DeFord and Georg Ann Jewell were present.

Don determined that adequate notification and publication were in order and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark submitted the following Exhibits into the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments and Exhibit D - Project Information and Staff Comments.

Chairman Smith admitted Exhibits A - D into the record.

This is a Conditional Use Permit to allow a home occupation for George Ann Jewell on a 5.69 acre parcel of land located approximately four (4) miles northeast of Rifle, off of County Road 259A.

The applicant is proposing to develop a beauty salon in a portion of the basement area of the house. It is anticipated that there will be 10 clients per day, on an appointment basis. Water will come from an existing spring and sewer will be via an individual sewage disposal system. Access is via CR 259A, off of CR 259.

### ***Recommendation***

APPROVAL of the proposed use, subject to the following conditions of approval:

All representations of the applicant, either contained in the application or stated in the public meetings, shall be considered conditions of approval unless otherwise stated.

There shall be no signs indicating the commercial use of the property.

Prior to the approval of the Conditional Use Permit, a copy of a modified water decree for commercial use of the spring needs to be submitted to the Planning Department. In the alternative, an opinion from an attorney or the Division of Water Resources, that the water rights allow the commercial use.

Prior to the issuance of the Conditional Use Permit, a copy of the permit/approval of the Colorado State Board of Cosmetology will be provided to the Planning Department.

All construction will be subject the issuance of a building permit.

Mark mentioned that Georg obtain something in writing stating the water can be used legally for the home occupation; as well as a copy of the cosmetology approval.

Chairman Smith asked if the chemicals were harmful to dispose of in an ISDS system.

Mark suggested that she look at this as certain chemicals and bleaches may be harmful. Suppliers will be able to tell her.

Ed stated they should have a material chemical supply sheet on each one.

Commissioner McCown made a motion to close the Public Hearing. Commissioner Martin seconded the motion; carried.

Commissioner Martin made a motion and Commissioner McCown seconded to approve a Conditional Use Permit for home occupation for George Ann Jewell with the recommendations from staff No. 1 - 5; carried.

### ***Recess until 1:00 P.M.***

### ***Call to Order***

Chairman Smith called the meeting back to order at 1:00 P.M.

### **ROAD AND BRIDGE DISCUSSION**

King Lloyd gave the report.

### ***Mel Rey Project***

King said they put up a "no trucks, local delivery only" two weeks ago. This sign was placed at the truck stop just before the fence. King coordinated this with the Glenwood Springs Police and obtained their cooperation. King also spoke with the Sheriff's office.

There was a meeting this morning with the contractors and the city and anticipated getting the asphalt down this week. Business owners requested they hold off until next Monday. King reported that during the bad storms, the drainage has worked well even before paving.

Chairman Smith suggested an article be in the Glenwood Post to inform the residents of the paving date.

### ***Mountain Meadows***

King said a "rebuild" was the only thing that would help this road. Drainage is a problem.

### ***Mamm Creek***

Paving is complete and the final inspection will be held on Tuesday, October 13. Weight limits will be proposed to increase to the interstate ratings. On Road 320 there will be some restrictions all the way to Porcupine Creek. The road project went all the way to Jenkins cutoff and at Covey's corner.

Chairman Smith requested that King check with Marvel Covey to make sure that she is happy with the road improvements on her portion of land she donated.

King said he will approach her with the paperwork to be signed. A new pipe needs to be installed at the Jenkins cutoff and this will be done prior to winter setting in.

### ***Bridge - Old Orange Truss Bridge***

King said a deal was made with Jim Snyder several years ago and then a dealer was going to haul it off for the scrape metal.

Chairman Smith suggested King talk to Paul Call and see what he wanted to do about it.

If Paul wants it moved, King was directed to call Jim Snyder and see if he wanted it otherwise to make arrangements to sell it as scrap metal.

#### ***Telephone Line***

King mentioned their telephone lines need to be checked.

Ed said he will check into this situation.

#### ***Beaver Creek***

KN Energy and Wildhorse completed their project.

#### ***Rollers***

King said the rollers were still not here.

#### ***Shell Oil***

Timber operations were mentioned and Chairman Smith advised them they would need to go through the permitting procedures.

#### ***New Castle Library Parking Lot***

King projected this would be done by this week.

#### ***Glenwood Springs Library***

This is a joint project with Glenwood Springs and they will be hauling the concrete.

Ed reported that there was a soaker hose effect under the concrete causing a lot of the problems.

#### ***Worksession***

##### ***Tax Credits - Road Impact Fees***

Mark requested a work session with the Board on a tax credit.

October 27 at 9:00 A.M. was suggested as there is a City/County Joint Meeting in the morning.

##### ***Road Impact Formula***

Mark said that he and Bob Szrot are working jointly on this compiling some numbers based on the Mamm Creek road.

Commissioner McCown stated that water hauling is the key difference for the drilling costs and impacts on the road.

The formula Bob Szrot is working on was discussed and Mark explained.

#### ***Airport Board***

Ed mentioned the possibility of changing the fee structure for landing fees. He stated that a private 757 landed at the airport and caused some damage to the landing strip.

#### ***Letter - GIS Map to Bruce Christensen - AR/RD***

Ed was directed to send a letter to Bruce Christensen and Gregory Durrett along with a copy of the letter sent to the STB in order to answer some concerns they expressed during citizens not on the agenda. Also that a GIS Map was enclosed showing agricultural land along the rail corridor.

### **PUBLIC HEARING - FOR AN EXEMPTION FROM THE DEFINITION OF SUBDIVISION LOCATED AT 3917 CR 233 RIFLE. CREATE AN ADDITIONAL 2 PARCELS FROM 33 1/2 ACRES INTO A 10.7 & 10.2 & 12.6. APPLICANT: TED CHRISTIE**

John Barbee, Don DeFord and Ted Christie were present.

Don determined that proper notification and publication were in order and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

John submitted the following Exhibits into the record: Exhibit A - Proof of Publication and Returned Receipts; Exhibit B - Application and Attachments; and Exhibit C - Project Information and Staff Comments.

Chairman Smith admitted Exhibits A - C into the record.

This is an exemption from the definition of subdivision. This is an additional split of three exemption parcels of 10.7, 10.2 and 12.6 acres. All lots are proposed to share an existing well and to use ISDS. Access is off CR 233 for all lots, with lots 2 and 4 via two separate road easements created as part of the antlers Orchard Subdivision at the turn of the century.

**Recommendation:**

Staff recommends APPROVAL, with the following conditions of approval:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lot, 25 ft. wide access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.

That the applicant shall submit \$200.00 in School Site Acquisition Fees for the creation of the exempted parcel.

That the following plat note shall appear on the Final Exemption Plat:

"Control of noxious weeds is the responsibility of the property owner."

"One (1) dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owners property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption.

One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401. et.seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances".

"All exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries".

Prior to the approval of an exemption plat, the applicant will demonstrate that the spring will meet the following:

- 1) That a four hour (4) pump test be performed on the well to be used;
- 2) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- 3) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;
- 4) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number of proposed lots;
- 5) An assumption of an average or no less than 3.5 people per dwelling unit, using 100 gallons of water per person, per day.
- 6) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates.
- 7) If the spring is to be shared, a water sharing agreement will be filed with the exemption plat that defines the rights of the property owners to water from the spring.

That the applicant, and any future property owners of said property agree to, as a condition of future continued approval of the special use permit, that if, in the future event that the property described by this special use permit, has the reasonable ability to connect with any municipal or centralized water and/or sewer system, the subject property owners shall be required to connect to said service and remove any existing well head(s) and individual sewage disposal system(s) which may be located on said property, within one year of the effective date of service availability."

The discussion included the adding of suspended solids in the water test and the designation of well heads for the various uses to be included in the recommendations.

Commissioner McCown made a motion and Commissioner Martin seconded to close the Public Hearing; carried.

Commissioner McCown made a motion and Commissioner Martin seconded to approve an exemption from the definition of subdivision for Theodore and Katherine Christie with the recommendations of staff with the changes so noted on the well head removal exempting agricultural use well heads and changing the

wording to well in No. 7 paragraph 6. And on the suspended solids and fit for human and animal consumption; carried.

### ***Shooting Range***

Discussion was held and the directions to the staff were addressed.

Commissioner McCown suggested limiting this to those entities having memberships and charging fees.

The reference material that the Act passed by the State Legislators that addressed noise was also suggested as a guideline.

### **PUBLIC MEETING - EXEMPTION FROM DEFINITION OF SUBDIVISION LOCATED APPROXIMATELY 6 MILES NORTHEAST OF CARBONDALE, OFF OF UPPER CATTLE CREEK ROAD. APPLICANT: SARAH MCNULTY**

John Barbee, Mark Bean, Don DeFord, and Sarah McNulty were present.

Don reviewed the notification and posting requirements and determined they were in order and advised the Board they were entitled to proceed. Mr. Barbee indicated that the hearing would be for a preliminary plan versus an exemption. Don deferred to the Board for a decision stating that Mr. Farrar had noted the discrepancy in the public notice for this application saying it was noticed as a "preliminary plan" rather than a "subdivision exemption." There is one letter from Mr. Farrar stating his objections to the proposal as it stands noting that the notification he received was for a hearing other than the type of the one the Board is asked to conduct. Don wanted the Board to be aware of the discrepancy and deferred to the Board for a decision. Don noted for the record that Preliminary Plans not only cover the same areas that are covered by an exemption, but require more detail rather than less be provided. It is clear that Mr. Farrar noted the problem.

John Barbee stated this was a clerical error on his part.

Discussion on the notification.

Don clarified that the form of notification mailed is in front of the Board. The people who received it, while it was timely, received notification of a Preliminary Plan hearing rather than an Exemption hearing.

John Barbee mentioned that Mr. Farrar came in and obtained a copy of the plat and realized it was an exemption.

Don made a statement for the benefit of the applicant - whatever decision of the Board, if they were to decide to go ahead today, any risk of error in proceeding really falls to you. Because if the Board errs and proceeds in which a court were later to determine notification was inadequate it would void today's hearing and you have to start all over again.

Sarah McNulty inquired if she would have to reapply for an exemption and submit all the paperwork.

Don said yes, that was correct. The alternative is not to proceed today and simply reset it right now.

Sarah McNulty said she had this problem the last time she came in to the hearing and there was some small hitch and she was told the same thing then. If she were to reschedule, how soon could it be.

Don said it would have to be enough time to do the whole noticing process again with the right form.

Sarah McNulty - so what you are saying to me then is if we proceed and there is sufficient objections and it went to court, then at that time, they would throw out this whole thing and start from scratch again.

Don said a court could do that, yes.

Sarah McNulty said she might as well take the chance and hope that this doesn't happen as she would like to get this thing moved on.

Don mentioned to the Board that they have her position and that is the reason he asked the applicant those questions.

Commissioner McCown mentioned that under the circumstances and the type of notice he feels it is adequate to proceed.

Commissioner Martin said he agreed and the applicant has acknowledged the risk factor, he will go ahead and second the motion to proceed.

Motion carried.

John submitted the following Exhibits into the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Fax letter from Mr. Davis Farrar and Exhibit E - Project Information and Staff Comments.

Chairman Smith admitted Exhibits A - E into the record.

This is an exemption from the definition of subdivision on a 602 acre tract into three parcels of 10.0, 10.0 and 582.0 acres in size on a tract of land located approximately six (6) miles northwest of Carbondale, off the Upper Cattle Creek Road. Access to all parcels will be via an access agreement.

**Recommendation:**

Staff recommends APPROVAL, with the following conditions of approval:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lots, 25 ft. wide access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.

That the applicant shall submit \$200.00 in School Site Acquisition Fees for the creation of the exemption parcel.

That the following plat notes shall appear of the Final Exemption Plat:

"Control of noxious weeds is the responsibility of the property owner."

"One (1) dog will be allowed for each residential unit within a subdivision and the dog shall be required to

be confined within the owners property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C. R. S. 25.7.401, et. seq., and the regulations promulgated

thereunder, will be allowed in any dwelling unit."

"All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

John addressed the concerns in the letter of Mr. Farrar. John noted the discrepancy in the clerical error he had made. Mr. Farrar has recognized that this is an exemption and not a preliminary plat. Mr. Farrar called and requested that a staff report be mailed to him, but John added this was not usually done and Mr. Farrar was told the reasons why. He was informed that he could come in and look over the staff report in its completeness. He did not and John said he felt Mr. Farrar's comments were not applicable there. Mr. Farrar requested that the Garfield Board of Commissioners require that the applicant provide an assurance to the Panorama Ranches Homeowners Association by demonstrating that the proposed subdivision will not have an adverse impact on the existing wells. John did not recommend this be done as a condition. This runs into a civil matter as the County does not have a statute on record that deals with these types of drawn out issues. The access easement is the only way in and out of the property. The applicant has indicated the legality of these easements into her property and it is an acceptable road. Mr. Farrar requested that the County require an alternate route for emergency access. Again given the nature of the distance of this property from the County Road, it seems unfeasible to John and the road indicates a sensitive approach to access these two parcels. Mr. Farrar also requested fire protection water storage and this seems reasonable. The fire department should know the appropriate gallons to be required. Sarah McNulty stated she has access from her ranch from the north in two different points to the land and then the road which has been improved and graveled since John Barbee was out on site. She does not have any easement whatsoever through Panorama Subdivision. In response to Mr. Farrar's statement, she had this surveyed out and the fence is on her line. She said the survey shows the existing fence is not the boundary and showed the Commissioners on the plat where the boundary actually varies as much as 20 to 50 feet. She said she had not gone through adverse possession pursuit but they want to move the fence into the line. This comes to about 6 acres total of land that actually she could adversely possess. The fence has been there for 27 years and the law states that after 18 years the land is essentially yours, but she has not gone through quit claim or adverse possession issue with Panorama.

Chairman Smith noted in the staff packet that some unnecessary papers referencing "Clough" were inadvertently attached and these should be stricken from the record as they have nothing to do with this application.

John added that staff recommends approval with the conditions 1 - 5 and added a conditions No. 6 "fire protection water storage" including the standard Wildfire statement in total; No. 7 "a well-sharing agreement" needed to be added; and Condition No. 8 the "ranch and farm ordinance" agreement. Chairman Smith said the fire department turnout areas should be 25 feet and added this needed to be done in order to prevent emergency equipment getting stuck or people with only one way out.

Sarah agreed she could create one very easily.

Chairman Smith asked about the splits.

John stated there has been one previous split already and this one creates two more, so now all four have been used and she can no longer split the 602 acre parcel.

Chairman Smith asked that this be stated and in the record. She also asked Don to respond to Davis Farrar's comments on the water issue.

Don stated that the State Engineer's Office controls material injury so that if there is a problem with Panorama Ranch they he would go through the State Engineer and Water Court.

Chairman Smith mentioned Mr. Farrar's letter where he mentioned the well permits without regard to adverse impacts to downstream wells and certainly by putting this in the record doesn't mean that she necessarily agrees with this viewpoint. She therefore requested that the record indicate that this Board has nothing to do with that.

Don mentioned that the comments made by Davis Farrar on water. The exemption plat needs to show easements that would provide access for water rights.

John Barbee clarified the additional conditions as: No. 6 - provide fire protection water to the satisfaction of the Carbondale Rural Fire District; No. 7 to provide a well sharing agreement; No. 8 provide the right to ranch and farm; No. 9 would be to provide turn out areas to the satisfaction of the County and Carbondale Rural Fire District; and No. 10 to indicate well exemptions have been used up and any others would be denied.

Commissioner McCown moved to close the Public Hearing. Commissioner Martin seconded; carried. Commissioner Martin made a motion and seconded by Commissioner McCown to approve the project as stated, the exemption from the definition of subdivision with the so-noted recommendations by staff and the changes 1 - 10; carried.

#### **ISSUANCE OF PRIVATE ACTIVITY BOND ON BEHALF OF ASPEN EDUCATION RESEARCH FOUNDATION**

Jim Anderson, Municipal Capital Markets and Brokerage Firm - 96 Blue Heron Court, Greenwood Village, Colorado representing the Aspen Education Research Foundation was looking to the County for industrial development revenue bonds. Revenue from the bonds will be used to pay back a construction loan on the Carbondale Community School that is currently under construction. The request will not exceed \$2.6 million. He added that industrial development revenue bonds must be issued by a county or municipality but the government entity is not liable for payment of the debt. The bond would be secured by a mortgage on the new school building that would be repaid over a period of 26 years.

The financing will be used for the K-8 facility. The school started as K - 6th with 84 students and expanded to 7th - 8th grades and to 115 students. Anyone may enroll in the school. Students are chosen by lottery from any school district. A brief explanation was handed out.

Jim stated if this is something the County would be interested in doing, then the law requires the Board to have a public hearing and a Resolution prepared.

Jim Anderson added they are approaching the Town of Carbondale but it is easier for them to go through the County. There is a possibility of also going through the State.

Chairman Smith inquired if a needs assessment was needed prior to obtaining the funds.

Jim said they have worked out the financing with a bank and yes a needs assessment was necessary. This has been reviewed and the need is there. The notion of Charter Schools has taken hold and continues to. Legislature in 1998 ended the Sunset period. The Charter School is about 5 years old. The Foundation is the entity that hold the Charter School.

The Commissioners agreed that they would need time to mull over the idea and assurances from RE-1 that is supports the county issuing the bonds. This was put on the agenda for consideration on the November 9 agenda at 3:45 P.M.

#### **PUBLIC MEETING - AMENDMENT OF SUBDIVISION IMPROVEMENTS AGREEMENT FOR MOUNTAIN MEADOWS SUBDIVISION. APPLICANT: ANNALIESA ALLEN**

Mark Bean, Don DeFord, David Hicks and John Schenk were present.

John Schenk presented. Basically this is a continuation of a discussion specifically involving the drainage on the site. Some adjoining property owners were present and plan to speak to this. John Schenk said this is dealing with historical flows off David Hicks property. John said Schmueser Gordon Meyer and Dave Hicks will be speaking on the drainage issues. The intention was to design a method where the drainage returns this to the original flow pattern.

The new design was submitted.

Dean Gordon talked about the redesign and how it works.

David Hicks, John Schenck, Bob and Nancy Emerson provided input into the discussion.

Chairman Smith reiterated that this issue has gone on for several years.

John Schenk submitted Exhibit H and read into the record a letter from Gary D. Knaus, M.D.

County Engineer Bob Szrot stated the drainage plan was submitted to him for review and he has been on site inspecting the proposal.

Don DeFord added that if the Board approves this drainage plan as submitted today and they go to Final Plat then they have to build what the Board approved.

Chairman Smith said from looking at the plans it appears as though this would work.

Dean Gordon added that there is no way to built a ditch on David's property and make him happy.

Decision and Motion

Commissioner McCown made a motion to approve the drainage plan that is before us today with the exception of removing the berms that are shown, adding that he would like to see those left and remove the dry well in area of the berms, go ahead and approve the other dry well and the enlargement of the retention pond to 4,000 cubic feet. Everything else as is. Commissioner Martin seconded.

Discussion

Commissioner Martin mentioned that he has been the recipient of drainage and it is burden.

Commissioner McCown stated that this keeps it all on site so nobody should be affected.

Chairman Smith added that the property in discussion today was all one piece and then sold off separately and Emerson and Allen's were there before David Hicks.

Don DeFord added that each property owner should be advised that they will be required to do their own improvement services.

John Schenk said there is a declaration drafted that discusses the drainage plan and what is required prior to the issuance of a building permit; and also the obligation of the \$2 million insurance is included in the Homeowner's Covenants.

Vote on the motion. Motion carried.

Adjourn - 5:07 P.M.

A motion was made by Commissioner McCown and seconded by Commissioner Martin; carried.

Attest:

Chairman of the Board

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**OCTOBER 15, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The SPECIAL meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 19, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green; Assistant County Administrator Allen Sartin; Treasurer Georgia Chamberlain; Assessor Steve Rippey; and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 9:00 A.M.

**COUNTY ADMINISTRATOR**

Ed Green and Allen Sartin presented the Budget for 1998 in its preliminary form.

Discussion was held regarding the following:

- Additional Revenues that is needed for the County
- 1998 Draw Down
- Vacancy in Personnel Savings
- Data Systems - Y2K

Cost - Assessor	\$159,000
Treasurer	92,000
Accounting	114,000
PC	50,000

Cost - Wide Area Network \$ 75,000

Special Projects

- Battlement Mesa Assisted Living Pass through - 2 yrs. \$ 500,000
- Medical Services (Jail) + \$100,000 Improvements  
8 - 10 now has to provide 24 hours

General Fund

- Labor 50%

Personnel Costs

- Staff \$275,000
- Elected Pay
- Merit Increases - 4.5% average - \$280,000
- Benefits \$250,000
- Retirement - Change tax approach - need to benchmark about 2% low  
go 1/2% a year and target 5% (long term employee can't make enough  
to retire)
- Medical - 19% (steady increase 3 - 4 years)
- Have benefits listed

Road and Bridge - Reduce Fund Balance

CR 109 - 2.3 million

Social Services - positive ending fund balance

\$100,000 below target

65,000 small capital

100,000 converting records

Library - draw down - \$90,000

fund - \$200,000

small nonrecurring projects - \$90,000

Solid Waste

Roller Compactor

Jail

Facilities - 3.5 million presently  
need 10 million           \$800,000 debt service  
need debt management zero based approach  
Facilities - new and upgraded for safety  
performance standards for each employee

Motor Pool

Tracks cost  
Set fund

Mapping

process mapping

Heavy Equipment

Data Systems - Information Management System

### ***Budget Officer***

A motion was made to appoint Ed Green as the 1998 Budget Officer by Commissioner Martin who authorized the Chair to sign a Resolution to that effect under Statute 29-1-104. Commissioner McCown seconded. Motion carried.

### ***Narrative***

Allen mentioned the narrative of the budget that describes what is in the budget and what the important issues are. Additionally, there is a lot of one item detail; some statistical information is included including sales tax, debt, staff and summary. Finally, capital projects such as the jail.

Allen said this budget is a balanced and adoptable budget if the Board chose as presented. It is a legal budget and a fiscally responsible budget.

The new budget process was a challenge for a lot of folks in the organization. All the work done on this budget was with spread sheets Allen personally built due to a lack of computer programs available within the County's software programs. The spread sheets were presented to the department heads with requests to notify him of errors potentially made in the inputting process.

Those errors identified to date are not terribly material.

The process is a 'bottom-up process' where there is a clear identification of all items purchased within the budget.

### ***Motor Pool***

This has generally been run as a department and from a financial perspective and a general management perspective he didn't think it was viable because there is not a complete set of books for that function. Whatever cash may have been generated by that motor pool operation is co-mingled in the general fund and very difficult to identify. Therefore, there is no plan for a replacement process indicating how much is available. In creating this, Allen went back 5 years and found out that no funds have generated for replacement and it is in fact in a deficit situation. Some funds will need to be transferred into the motor pool to start off with even though it didn't earn the money at this point. However, the goal is to develop a mechanism to ensure the motor pool pays its own way and operate efficiently. Allen's goal is to develop this and get it working by January 1, 1999.

### ***Accounting Practices***

Allen mentioned some accounting practices were changed: return of expense, revenue refunds and the changes were explained.

Other Issues Discussed Included:

Telephone Costs - suggested these would no longer be separated

Administrative Department now includes a split out of the various activities:

Accounting Department

Personnel Department

and these costs can be tracked clearly for the Board.

Social Services

The State imposed a change in the spending pattern but it doesn't change the level of services being provided.

Library

Broken down by branches.

Components of the Budget:

Major Revenues

A simple chart organized this into three categories:

Property Tax

Sales Tax

Other

Property and Sales Tax accounts for over 70% of the revenue stream

Allen suggested that one issue in the budget process that need to be worked on is revenue diversification processes; and look to other sources of money.

Property Tax - aggregate level was reduced from 13.655 to 13.336 mills in order to comply with the State requirements.

Airport Fund

This was diverted into the general fund as this was a preferred method from

Allen's perspective. The County really needs to provide them a grant and not property tax per se.

Sales Tax

Allen estimated the growth for the remainder of the year would be 7% and growth

for 1999 7% as well.

7% for this year is conservative as they have been running around 14% growth

through August 1998.

Personnel Costs

Three compensation systems in the County: Social Services; Library; and County.

Merit System - 2 - 5.5% but budgeted 4.5%.

Benefits - no change in programs - 19% increase in cost of \$250,000.

Elected Officials pay rate changes - \$100,000 impact in general fund.

Staffing Changes Included in the Budget

Road and Bridge - requested 3 equipment operators

Social Services - requested 2 social case workers and an intern

and Ed and Allen deemed these justifiable.

Overview of how the money is spent:

50% Personnel and all other operating supplies after taking out capital projects.

Allen continued to go in-depth review of the budget components.

A date was set for November 4, 1998 to review the special projects, staff increases and budget in general with the department heads.

Allen commented he would like to see two things: 1) the reviewed budget by 10/21 to present to the Board on the 11/2 meeting; and final decision of the Board by 11/16 with a resolution to adopt on December 7, 1998.

**Adjourn**

A motion was made by Commissioner Martin and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

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**OCTOBER 19, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, October 19, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green; Assistant County Administrator Allen Sartin and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

**COUNTY ADMINISTRATOR**

Ed Green gave his report before the Board.

***Colorado Animal Rescue***

Ed presented the Colorado Animal Rescue Contract for the Board saying he and Don have reviewed the contract. It provides for a payment this year 30 days after signature of this contract and then two subsequent renewal options for a total of \$75,000.

Commissioner McCown made a motion to authorize the Chair to sign the Colorado Animal Rescue Contract. Commissioner Martin seconded the motion; carried.

***Court Alarms***

Judge Ossola and Ed met with the Communication Board to discuss the Judge's request on the increase of alarms for the courts and for probation offices. Part of the discussion included the role of the Communication group and whether they should be involved in the alarm business; the outcome was that monitoring of the courts is a different issue than monitoring businesses and private residences. They discussed the original agreement with the Communications group and how included in that was their assent to provide the monitoring capability. As a result the Communication Board recognized that the County should go ahead with the plan to increase the number of alarms. Ed submitted a quote from Apex Security for 16 such alarm systems for a total cost of \$1734 and with the Board's approval he would like to proceed with the installation of these systems as soon as possible. Ed explained that the problem in obtaining other bids is that the alarm systems consolidated.

Mildred asked about alarms from other offices other than in the courts.

Ed said at the present time they were focusing only on the courts.

Commissioner Martin made a motion to authorize the cost and installation of the 17 alarms for the courts and probation. Commissioner McCown seconded; carried.

***Malfunction of the 911***

Commissioner Martin mentioned that the County had received official notification that an investigation was going on in the malfunction of the 911 system in Pitkin and Denver Counties.

Don is aware of this as well.

***Emergency Communication***

Ed mentioned the first meeting of several would be held on November 6 dealing with additional training for emergency center operation folks and participation in exercises as well.

Additionally he hopes to address some more day to day issues such as building evacuations that haven't been practiced.

Chairman Smith mentioned this was a point of discussion at the State meeting and may require a 'stand along department' with as much that is coming down and have them answer back to Ed rather than the Sheriff's office.

***Heavy Equipment Lease***

Don, Mark, Tom and Ed met on the heavy equipment lease and resolved all the issues except one which was the minimum liability insurance. We need to get \$1 million to meet the requirements.

***Code of LaPlata County***

Ed received a copy of this and shared it with several elected officials. Ed said he was exploring the cost for this and a suggested use might perhaps be for electronic media for residences.

#### ***Workenders for Landscaping and Maintenance Schedule***

Ed mentioned they had completed the development of a schedule of maintenance for the Courthouse and in the past week have started to adhere to it. They received the landscape program submitted by the Master Gardener and will begin work in the Spring of 1999. The cost of this has not yet been determined.

Workender Program has been staffed at a higher compliment and as a result the progress on Taughenbaugh is beginning to go faster. This is targeted for November 1st completion.

Steam Cleaning of the walls have been prioritized as: Clerk and Recorder's office, Nurse's office, Treasurer's, Assessor's, third floor and then the fourth floor.

#### ***Road and Bridge Radios***

Ed said the radio system was installed at Coryell Peaks at the end of last week.

#### ***Personnel Director***

Remodeling is going on in the first floor of the Courthouse for the Personnel Director and Barbara Ramirez's Offices.

#### ***Administrative Assistant***

Ed said Allen will be moving upstairs where Barbara is currently located.

#### ***Insurance***

Chairman Smith submitted an information sheet showing that the money saved with deposit holidays and the County benefits and what has been received back shows a saving of \$98,000 on insurance from 1987 forward.

#### ***Fairgrounds Entrance***

Chairman Smith requested that Ed follow through for next Spring with the entrance getting some planting of foliage and flowers.

#### **PAYMENT OF BILLS**

Barbara Brown presented the bills for payment and the Commissioners reviewed them.

A motion was made by Commissioner McCown and seconded by Chairman Smith who stepped down as Chair to second the motion to pay the bills as presented; carried.

#### **JAIL DISCUSSION**

Sheriff Tom Dalessandri, Dale Hancock and Al Maggard were present.

#### ***Jail Count***

Total in Jail: 135. 47 main jail; 30 Work Release; 10 females; 5 Home Detention; no Day Reporting; 10 Workenders; 2 State Hospital; 31 other jails and 4 DOC.

#### ***Move into the Courthouse - Former Extension Space***

Tom reported they were waiting until the Extension Service moved completely before they began planning their move. He projected that some remodeling would be necessary to accommodate his staff.

Ed requested a schedule of what was happening in order to keep informed.

Tom assured Mildred that Vin Inspections will be at both places.

Chairman Smith suggested that Tom place a News Release regarding the relocation and what is going to happen at the Courthouse and the Annex.

#### ***Executive Session - Personnel Litigation***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss a pending Personnel matter; carried.

A motion was made to come out of Executive Session by Commissioner McCown and seconded by Commissioner Martin; carried.

#### ***Anderson - Building & Planning - Board of Adjustment***

Don said the appeal to the Board of Adjustment was withdrawn. This involved property down by Touhee Ski Lake where Anderson wanted to build on it. The County's position was that it was a parcel illegally

created; they appealed Mark's decision to the Board of Adjustment; now they have withdrawn the appeal accepting Mark's decision.

***Appeal - Developer of Cerise Ranch***

Don stated there is an appeal by the developer of the Cerise Ranch regarding Mark's decision of incompleteness on their PUD application and requested the Commissioner's authority to retain Josh Marks to represent the Board of Adjustment; Don will be representing Mark at that hearing and cannot represent both Mark and the Board of Adjustment at the same time. This is tentatively set for November 9th. A motion was made by Commissioner McCown and seconded by Commissioner Martin to retain Josh Marks for this hearing; carried.

***Litigation - Surface Transportation Board***

Don informed the Board that he has received nothing concerning RFRHA in spite of the reports in the newspaper. There is an attempt to obtain the information off of the Internet.

***Letter from Mid-Valley-Cerise***

Mark stated that contrary to what the letter said, their position was that they felt the issues were better addressed in two different arenas - one being the Comprehensive Plan Amendment Process and the other the possibility and paralleling the Service Plan Process for the District. The District is taking the position based on one development - the Cerise Ranch. The area they are proposing to place this plant will significantly affect a larger area. The Comprehensive Plan in place proposes densities that are on record; they are driving their interest to increase the densities to what the Comprehensive Plan presently shows. Don added that the developer was told that their plan was predicated on a change in the Comprehensive Plan and also representation of the availability of waste water service when the Mid-Valley didn't have legal authority to provide service in that area through it's service plan; they didn't have an approved site to build any modifications; and the County did not ask them to come in with a constructed facility but simply to have the ability through either some type of site approval and amendment to the service plan to show they could go forward with it. This is part of the appeal to the Board of Adjustment.

**COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Ray Lloyd, former RFRHA Executive Director - 1810 Fawn Court - Silt - Read a letter into the record as follows: Chairperson Smith, Commissioners Martin and McCown: "As a citizen of Garfield County I wish to express my thanks to you for your recent political courage and to express my sense of morale outrage to the response to that as shown by some members of the public in one public based newspaper. I was on the west coast on a consulting job until October 9th and the day I returned I saw the front page article that appears here and it's portrayal of misinformation as truth.

The continuation of the story on page 9A is even headlined, 'RFRHA - Freight Operators Want Subsidy.' The truth is that RFRHA including me, at that time I was executive director of RFRHA, appeared before this Board and promised that the rails would not be removed and that we would "aggressively pursue a short-line freight operator." In keeping with that promise I did aggressively pursue a short-line operator. At our meeting 13 July 98 I met with a large group at Mid-Continent Resources site. The result of that meeting was that we had sufficient customer base and a short-line operator willing to go on line so that we could restore freight operations with or without Railbanking. And that was without a subsidy.

The report on that meeting was included in the packet of the 24 July Board Meeting which was mailed to a list of some odd thousand close friends in the valley because we traditionally did that with every Board Packet, including the newspaper. That information was presented to RFRHA on 24 July at the Board Meeting by me and a response to it stunned me. The simplest way to characterize that response is to quote from this same newspaper 27 July article .... report on the meeting. In that article, Pitkin County Commissioners Dorothea Farris was quoted as saying and she did indeed say that, 'that she may not want trails .... on the railroad because it would adversely impact business for the Pitkin County Landfill.' Clearly that is not in the spirit of aggressively pursuing freight and short-line operations which was the promise made to you. Nor is it a function of the valley-wide RFRHA Board as was pointed out at that meeting by several members including Commissioner Martin. It was not a function of the Board and also indicated by the Chairman by the way to stop various issues of freight because of one periodical local interest. In the same article the report quotes the other telling remark from RFRHA Board member Mark Fuller as follows: 'our commitment to Garfield County was to aggressively pursue freight operations, it was an agreement to install freight on the line.' Now if there is an NBA in the room that could explain to me what that direction

was in this situation I would like to learn it. In other words, seriously there was an opportunity for a public agency to actually make money and keep a promise made to one its backer governments and it was discarded.

As then Executive Director of RFRHA I wondered if I was supposed to pursue a short-line operator for an indefinite amount of time but never actually catch one to keep a promise to you or if the promise to Garfield County was to be interpreted in a Clintonesque manner as in 'we promised to aggressively pursue a short-line operator - we did not say we would install one - if GARCO falsely interpreted that to mean we would actually have one, it's their fault.' (That's kind of like Clinton asking you, wonder where Monica Lewinsky is sitting?) Either way, the intent of the promise was not followed and it's my belief that Garfield County based media should have researched these facts, all of which were in their hands and were printed; and therefore they should have been supportive of the Commissioners protecting the interests of the Garfield citizens instead of portraying you as a bunch of bumpkins that just fell off the turnip truck and who were annoyingly suspicious of people.

After all, the 21st August RFRHA Board Packet which copies of were received by you as well as the other thousand close friends, contained my proposed 1998 - 1999 budget. It included a line item budget for freight operations. It was not *omitted* from the September budget you received, it clearly was *removed* from the September budget because the budget that you were later handed did not have that same line item in it. That fact alone would convince me that RFRHA did not intent to keep its freight promise.

It has been my experience that the Garfield County Commissioners have been the RFRHA Board Members with the most appropriate, practical vision of the future. Your striving to free Garfield County citizens of the bonds of low wage servitude to Pitkin County tourist and business owners and free the County on dependence on good snow years in Aspen for the welfare of its people and the County's financial health. Correctly you have realized that the way to do this is to encourage more business and industry in the valley and you've done so both with your comprehensive plan and your position on the RFRHA Board meetings encouraging a renewal of freight operations.

The sense I get is that someone out there is thinking how dare you to bring industry and jobs to Garfield County and risk having the Pitkin County Landfill lose business. Pitkin County Landfill revenue apparently is more important that Garfield citizen's jobs. And I disagree with that.

I was further outraged to see the follow-up article in the same newspaper on 13 October reporting on the Glenwood Springs Trail Commission response, rude response I might say, to your opposition to Railbanking. The facts in this case are that the Glenwood Trail Project was approved by RFRHA in its July 1997 meeting. That was more than a year before I went to work for them. And they were not held in violation of approving that and for not notifying the Aspen Valley Land Trust until it was convenient for the Aspen Valley Land Trust to do so in July 10 of 1998. At that time the work on the project was ordered to be removed and restored to its original conditions. So in effect, the Aspen Valley Land Trust was saying that the project was detrimental to the environment. The Trail Commission did not object then. The violation was quietly removed immediately after my resignation and then when you Commissioners opposed Railbanking suddenly the Trails Commission decides to land blast you for casting shadows on trails. That's the 90's version of being against the mother of apple pie in my opinion.

It's a disgrace that it has not been figured out locally and you have not been supported; and we have not been able to get to the Surface and the press what's been going wrong here and give you the recognition you deserve for standing up against bad faith politics and doing what is right. At least I want to express my thanks and respect to you for doing so. I applaud you for it.  
Thank you."

### ***Elk Creek Meeting***

Chairman Smith updated Commissioner Martin who was unable to attend the meeting at the site. She said that Steve Rippy is working with Gary Osier of the Forest Service in a joint effort to keep it open and improve some of the facilities.

### ***Seasonal Closure on Elk Creek***

This will be driven by weather conditions.

## **COUNTY BUSINESS - ADOPT NEW PERSONNEL POLICIES AND PROCEDURES**

Steve Rippy, Mildred Alsdorf, Georgia Chamberlain and Barbara Ramirez were present.

### ***Additions to the Drug and Alcohol Policy***

Barbara Ramirez explained there was a change to the Drug and Alcohol Policy. Don mentioned Paragraph 2.4 D and E and clarified that the entire policy is driven by the United States Department of Transportation requirements for all governmental entities to maintain such a policy in order to be qualified for government grants. The County now has a policy that complies. The Department of Transportation put in additional testing requirements of testing for commercially licensed drivers and specifically require random testing at designated points and time. The County has a contract with the firm in Denver to monitor that testing program. To date the policy has not been modified to take in account the additional random testing and other testing requirements for commercial licensed drivers so the addition of the provision indicate that part of the County's Drug and Alcohol Policy includes the special requirements for commercial drivers.

Don recommended the Board and elected officials approve the amendments to the drug and alcohol policy as this will become an attachment to the Personnel Policy.

Discussion was held regarding County-wide Drug Testing.

The Board stated they would like to enforce the random drug and alcohol testing County-wide. Don said he would need to check with Kathy Greer before commenting.

Mildred said the Personnel Committee will be meeting and amending the Policy every 6 months with new Legislation.

Ed suggested a drug and alcohol test be given in a preemployment requirement and in random testing.

#### ***Resolution - Drug and Alcohol Policy***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Resolution on the Drug and Alcohol Policy; carried.

Amended motion

Commissioner McCown amended his motion to include all the elected officials to sign the Drug and Alcohol Policy; Commissioner Martin seconded the amendment; carried.

Mildred mentioned that an elected official can opt not to do the drug and alcohol policy.

#### ***Resolution - Personnel Policy 1998***

Commissioner McCown made a motion that the Chair and all elected officials be authorized to sign with the exception of the Sheriff who has his own policy and will enforce it. Commissioner Martin seconded; carried.

#### ***Method of Disseminating***

Barbara Ramirez said she wanted to meet with the department heads/elected officials/supervisors to review the policies and then have them distributed to the employees. There is a sign-off sheet stating the employee has received the policy and that will be placed in the employee's personnel file.

Don added the policy becomes effective November 1, 1998.

Chairman Smith suggested putting these into binders and also including a synopsis of insurance.

Commissioner McCown made a motion that the Chair and all elected officials be authorized to sign the Personnel Policy 1998. Commissioner Martin added knowing that we will be visiting this every six month he would second the motion; carried.

### **EMERGENCY MANAGEMENT**

Guy Meyer announced the meeting to be held on Nov. 13 in Room 301 on the Reudi Dam from 11 A.M. to 1 P.M.

### **DEPARTMENT HEADS**

#### ***Extension***

Carol McNeel gave her report.

#### ***Move to Rifle***

Extension has moved into the new offices in Gun Barrel Square. They are working on getting a storage unit. No phones but they are supposed to be there Friday to hook them up and they will keep the same number.

### *National Contest in Team Roping*

Carol reported that last week two 4H participants went to a National Contest in Team Roping in Columbus, Ohio and tied for 4th place. She said they all did a great job. There was 25 people and 8 teams. A News Release will be submitted. The Foundation supported a great big part of this expense.

### *Inter-County Mail*

Carol mentioned the problem in getting their mail.

Chairman Smith suggested to check with Margaret Long since they have carriers.

Mildred gave them permission to put something in her office in Rifle for delivery to Glenwood Springs as long as it would fit into the brief case.

### ***Building and Planning***

Mark Bean gave the report.

#### *Amended Plat - McClearn Orchard Land Subdivision 25 & 26A*

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the amended plat; carried.

#### *Subdivision Improvement Agreement and Plat - Aspen Glen Peaks Phase II*

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the Chair to sign the SIA and Plat; carried.

#### *Subdivision Proposals - South Glenwood Area - Near the Airport*

John Baker and Mark Bean were present for the discussion.

Mark said that some staff comments were provided from their point of view and the Board may want to express their concern regarding access onto County Road 116 Road AKA Midland Avenue. Mark added that Commissioner Martin had given some comments at the review hearing of the Planning Commission and wanted to know if he should formalize the comments into writing, add additional comments, etc.

Chairman Smith said she had some comments about the private road and wondered if any comments were made on the access.

John Baker commented that they would like to provide an easement that goes into the small road for future possible access. They were meeting today with the owners of the property.

#### *Old School House*

John would like to get the school included and as a historical site.

Chairman Smith mentioned the Board had discussions in the past with Down Valley Gutter on a realignment of the roads in the Cardiff area.

Other concerns were: widen the streets; a 12" line to the Four Mile Intersection and would Cardiff will be allowed to tie on; 241 units and 114 in the other development; and to protect property down by the river. The direction was given for Mark to draft a letter for the Chair's signature.

### ***County Operations***

Dale Hancock presented a contract for \$12,000 to sell two licenses and two translators to Sunlight Peak to Pitkin County who will air the Fox network on Channel 52 and 54. County residents west of the South Canyon area and in Missouri Heights should be able to have better reception.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the contract as presented; carried.

### **HUMAN SERVICES**

#### *Healthy Beginnings and Planned Parenthood*

Lisa Pavlisick of Healthy Beginnings and Casey Bishop of Planned Parenthood came before the Board to give an update on their programs and to talk about Public Health as a part of Human Services.

These two programs coordinate together on several concerns, identify gaps and continue providing quality services.

Public Health constituency is the general public but government, doctors, home health, education, nursing homes and hospitals all play a part in what they do on a daily basis. Public Health is the umbrella for Healthy Beginnings and provides the continuum of care that makes sure the clients are healthy from beginning to end. There is a lot of interaction between the Public Health agency and Human Services.

Public Health affects seniors, babies, children with developmental disabilities and reproductive health care. Casey Bishop said Public Health affects the whole person - physical, mental and emotion health. Planned Parenthood is primarily concerned with reproductive health. They offer full comprehensive gynecological services, contraceptives services, full range sexually transmitted disease testing, prevention counseling,

mid-life services for women for heading into their menopause years offering screenings and blood work, services for men, HIV testing and counseling, pregnancy testing and counseling, offer services to individuals throughout the Roaring Fork Valley and have a satellite clinic in Rifle.

Casey said the education piece is the most important. They work on prevention in terms of allocating for informed choices and responsible decision making. This includes education about all the different services, other resources and referrals.

Planned Parenthood is working with Healthy Beginnings since that program ends 6 weeks post-partum to provide education and resources for continuing good health.

#### *Issues*

Casey said some of the issues are financial constraints; shortage of health care; gynecologists/dentistry/pediatrics; transportation; day care access; and the growth in the area.

Both agencies are United Way Recipients.

Chairman Smith encouraged the municipalities to become more financial involved.

#### ***Pediatrician***

Margaret Long said that Dr. Schultz will be opening a practice in New Castle and taking Medicaid and Colorado Child Health plan. Social Services will be helping Dr. Schultz with this.

The pediatric access task force met three weeks ago and various plans were presented, however there is a continuing need to discuss those plans. They will be meeting again in late November.

#### **SOCIAL SERVICES**

A motion was made to go into the Board of Social Services by Commissioner Martin and seconded by Commissioner McCown; carried.

A motion was made to come out of the Board of Social Services by Commissioner McCown and seconded by Commissioner Martin; carried.

#### **ROAD AND BRIDGE DISCUSSION**

Mark Bean presented the report for King Lloyd.

Last week part of the discussion moved to the Carrol Peak site and finally received the okay verbally from the Forest Service. An agreement hasn't been formulated to transfer the oil reserve over to BLM. Dale sent his guy up there on Friday and hopefully the system will be up and able to speaking to the three different sites very soon. The Forest Service has asked that there be a partial responsibility for maintaining the site itself.

The Board indicated there needed to be contact with Communication on the day of the change over.

#### ***Recycling Program - Tires***

Mark said according to the information, Garfield County does not have any illegal sites.

#### ***Central Shop***

Ed mentioned that they toured the Silt Road and Bridge Shop and he was shocked at the condition of the facility. This was a concern to Ed from a safety standpoint.

Mark said they were going to talk to the Road and Bridge crew and hopefully form a task force to strategize a bit about how they might make some sense out of the properties the County owns as well as where to move things around. King's thought was to try and acquire property between South Canyon and the Silt area to put a centralized shop like Dennis and Pete talked about in the comprehensive plan that would do all maintenance and repairs and have the smaller satellite places for logistical needs.

Commissioner McCown mentioned the Glenwood and Silt properties were valuable enough to pay their way out and build a facility. The Rifle property reverts back to the City of Rifle.

Chairman Smith stated they checked this out and it was true.

Commissioner McCown said it was some type of usage agreement and once the County stops using it, it reverts back to them.

#### ***Gravel Pit - Near CMC***

This was considered for a satellite station.

#### **REVIEW OF CERTIFICATION OF DESIGNATION - SOUTH CANYON LANDFILL**

Mark Bean, Tim Danner and Robin Milyard were present. Mark said he spoke to Donna Stoner and reported to Mark that progress has been made and is real pleased.

A final report from Donna Stoner was requested by the Board when all the improvements are completed. Tim said they should be completed by this week. The matter was set for the November 9 Agenda for a brief report at 10:15 A.M. Mark will follow up and add under his comments. Tim said the perimeter ditch, pond and leech lines are being laid as of today. He projected Friday, October 23 as the completed date.

### ***Mel Rey Road***

Robin Milyard was present and discussed various issues affecting both City and County such as the 4-way stop on Mel Rey Road. He also said they put the first lift down on Friday and some concerns emerged. Chairman Smith mentioned she was still getting complaints regarding trucks. She encouraged a "No Truck" sign be placed at each end of Mel Rey Road.

### ***Request KN Energy***

John Barbee and Mark Bean presented the request for a Conditional Use Permit - High Level Security Gas Customers - from KN Energy into Trans Colorado on the Roan Creek Drainage. The Board agreed to set this for a Public Hearing and by-pass the Planning Commission.

## **HUMAN SERVICES**

Mary Meisner presented the report.

A motion to go into the Board of Health was made by Commissioner McCown and seconded by Chairman Smith who stepped down as Chair; carried.

### ***Flu Campaign***

Mary said this is in full swing. Rocky Mountain HMO is providing these at City Market. Mary said they have given approximately 1,800 flu vaccines.

### ***Hepatitis B***

And in collaboration with the School Districts RE-1 and RE-2 they are starting their Hepatitis B campaign; they have given the first series of 3 injections to 250 6th graders and in addition another 225 received 2nd MMR boosters. This was between school health nurses and public health nurses.

### ***County Employees - Flu Shots***

Next week on Tuesday October 27 the nurses will be giving the County employees their flu shots.

### ***Hepatitis C***

Mary mentioned that anyone that has had a blood transfusion is being advised to be checked, however the main emphasis is awareness at this point. She also announced there is a vaccine available for Hepatitis A now.

## **WIC**

WIC has 1,000 active clients and they vouched 835 clients.

The Colorado Public Health processed an audit of the WIC program on Friday; it went well.

### ***Asthma from National Jewish***

The clinic from National Jewish Hospital is running smoothly.

### ***Staff Changes***

*Jill Rose* is moving to Texas and there is an opening in the Secretarial/Receptionist staff.

*Nancy Julius* starts on November 1 as a Resource Coordinator for the Health Care Providers.

### ***Pediatric Clinics***

Dr. Linda Schultz is building her own pediatric clinic in New Castle on the second floor over where she is currently located. She has also agreed to take Medicaid and partial payment cases.

### ***Dental Task Force***

Mary presented some data that was put together by Elaine Clonginer and was looked at the October 1st meeting and facilitated by Steve Caricature, Chairman.

**KIND** - Kids in Need of Dentistry also made a presentation at the meeting. This is a program out of Denver and they have a dental van sponsored by Blue Cross/Blue Shield Foundation and the project would bring the van to rural areas. The van is fully equipped and asks local area dentists to provide 1/2 day of donated services, so for one day would need 2 dentists. This project is in the planning stages and wouldn't start up until the Fall of 1999. The community costs is a part of this and it could be up to \$100,000. Mary

said they are going to be seeking the donations of service clubs such as the Rotary Club. This may be doable in this area but the key piece would be getting the area dentists to volunteer. Once the clients become a care client they would actually be hiring someone here locally to set the appointments and manage the charts and then they would come back in the area so many times per year. This would serve the low income, indigent, uninsured, Medicare and Medicaid clients. Several counties are looking at it - Montrose, Delta, Moffat and Rio Blanco.

Chairman Smith mentioned the report indicates there are 101 in SSI in Glenwood Springs.

Mary said that Mountain Valley Group Homes are included in this number. She added that free and reduced lunches give an indication of the kids who can be qualified income wise.

#### ***Pediatric Access Care Meeting***

Mary submitted the notes of the meeting held on September 30 where 5 proposals were outlined. Dr. Slater reported that at the Mennonite Church Clinic that will be staffed with a nurse practitioner and he is asking local physicians to donate their time.

Valley View reported that their goal is a long-term solution to provide comprehensive care. The VVH staff have looked at 5 different models from all over the State. The Gateway Clinic through Children's Hospital is the one they liked. It would have a Community Advisory Board and the startup costs is estimated in the neighborhood of \$500,000 and the break-even point is 28 clients per day to make the clinic work. At the present time they are gathering more data.

Dr. David Tessler gave an update what a rural health clinic is and covers the County from the western edge of New Castle clear to DeBeque. This area is classified as a HCPS (Health Care Provider Shortage) designation.

Dr. Tonossi gave a report on the Community Health Center Option using a family practice model on the federally qualified health care center. For this to work we need to be a medically underserved population designated area and we are now right now. In order to make this happen, they need to hire a consultant to make these numbers work. Mary said the meeting was 10/2/98 but she hasn't heard if they did hire a consultant.

The next steps are to look for a long-term solution. There are a number of different initiatives working. Valley View will continue to investigate the Gateway Model. Mary said that she is feeling a lot of cooperation with each entity coming together. There are some short term solutions with Dr. Schultz; and Dr. Slater working at the Community Center Clinic.

#### ***Healthy Beginnings***

Lisa Pavlisick said that Sarah Hess is the prenatal plus program and these are enhanced services for any individual who has psycho social or nutritional needs beyond what the normal patient has. These services are reimbursed via Medicaid; also in the State contract they are allotted a certain number each year.

Lisa said the media spots are effective; staff is working very efficiently; there are 86 cases and 24 postpartum. There are 14 cases classified as 'medically high risk' which require tests and partnership with Dr. O'Donnell.

A new partnership with Grand River Prenatal Clinic under the auspices of Grand River Clinic and family practitioners will be seeing these 45 patients. Healthy Beginnings will continue to do all the administrative pieces. These will be on a voucher system with each patient that delivers.

Lisa said there was an audit for the year of Prenatal Plus; some things need to be tweaked but overall it was very good.

Eagle County will open their new prenatal clinic on November 10; at present there are 3 at this point in Eagle County in the Garfield County program.

Grant Season is very busy. The Aspen Foundation Grant was submitted and they were encouraged to ask for \$15,000 and an additional wish list. Therefore she asked for \$20,000 and the director really liked the IUD and tubule ligation for the HB participants. As of Thursday they already had \$5,750 in addition to the grant they requested from the Board members for support of those additional services. There is a grant into the March of Dimes and AT&T Wireless for two years gratis.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of the Board of Health; carried.

#### **CONTINUED HEARING - RANCH CREEK PUD PRELIMINARY PLAN**

Mark Bean submitted a memo from David Brown of Stryker/Brown Architects, P.C. requesting a continuance until December 14, 1998.

Mark indicated that it appears that this is not going to be an approval by the State Health Department. A motion was made by Commissioner Martin and seconded by Commissioner McCown to continue the Public Hearing until December 14 at 11:00 A.M. Martin McCown carried; carried.

***RFRHA***

Don DeFord mentioned a letter that originated from the City of Glenwood Springs. Commissioner Martin added that the next step of the railroad discussion would be the Transportation Authority and an IGA. He said this was for the Board's information only.

**SIGNING OF RESOLUTION FOR LESTER CRAIN - ACCESSORY DWELLING UNIT CR 100**

Victoria Giannola presented the resolution for Lester Crain. Commissioner McCown made a motion and seconded by Commissioner Martin to authorize the Chair to sign a resolution concerned with the approval of a special use permit for an accessory dwelling unit application for Lester Crain submission; carried.

***Comprehensive Plan - Meeting***

Update of Comprehensive Plan Land Use Categories and Affordable Housing scheduled for Wednesday evening was discussed.

**PUBLIC HEARING: MID AMERICA PIPELINE COMPANY SUP TO ALLOW CONSTRUCTION OF A LIQUID PETROLEUM PIPELINE APPLICANT: MID AMERICA PIPELINE COMPANY**

John Barbee, Don DeFord and Brett D'Spain were present. Don determined that proper and adequate notification was in order and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

John presented the following Exhibits for the record: Exhibit A - Proof of Publication and Returned Receipts; Exhibit B - Staff Report and Application; Exhibit C - Rocky Mountain Project Route Maps; Exhibit D - Rocky Mountain Project Plan and Development; and Exhibit E - Rocky Mountain Route Project Environmental Assessment UT-UTSO-98-2.

Chairman Smith admitted Exhibits A - E into the record.

John said at their October 14, 1998 meeting, the Commission unanimously APPROVED, this request for a special use permit to allow construction of a liquid petroleum pipeline, including the conditions recommended by staff.

MAPCO is requesting a special use permit to allow the construction, maintenance and operation of a high pressure petroleum products pipeline, consisting of 10, 12 and 16 inch diameter portions. The line will be placed adjacent to an existing pipeline installed in 1982, which has a total barrel per day capacity of the system from 75,000 BPD. The proposed line will have a capacity of 120,000 BPD.

The proposed pipeline begins in Kurtz New Mexico and runs north through LaPlata and Dolores counties in Colorado turning west into Utah, running north through Moab, turning east into mesa County, running north in to Garfield county into Rio Blanco County and continuing north, ending in northern Utah.

Construction is projected to begin on the Baxter Pass section in Garfield county this fall with construction continuing into early 1999.

The pipeline crosses 13.8 miles of private and 10.7 of federal land for a total of 24.5 miles.

Brett D'Spain, a paralegal with Dugan and Rasue, 900 Main Avenue, Durango, Colorado indicated there would be a 10" into a 16". The 10" line was put in originally in 1982 and will meet increased capacity. Two areas were identify as slide areas and they proposed to do a reroute at McCander's Lake but decided the best was between McCander's Lake and CR 201. Mid America will also repair any damage to the roads. He and King have walked the area on CR 201.

***Recommendation***

Staff recommends Approval, with the following conditions of approval:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

All comments and conditions from the Board of County Commissioners shall be valid for a period of no more than 120 days following approval.

All construction shall be in compliance with the application as submitted.

Mid America Pipeline Company shall provide, at their expense, an independent quality control and construction inspector who shall inspect and report progress and activity of the pipeline construction of minimum of once monthly during mobilization, construction and restoration of said areas, and provide said report to the County.

Prior to mobilization and/or construction, the applicant shall obtain approval of all proposed crossings of County Roads from the Garfield County Road and Bridge Department including appropriate notification of the public as May 6 is necessary for road closures or other activities as required.

Prior to mobilization and/or construction, the applicant or the applicant's contractor(s) shall obtain overweight vehicle permits from the Garfield County Road and Bridge Department.

The applicant shall provide a pre-mobilization and/or construction survey, listing existing road and pipeline alignment conditions to the Garfield County Building and Planning and Road and Bridge Departments.

The applicant shall obtain all licenses as may be required for vehicles used by the applicant and the applicant's contractor(s) from the Garfield County Clerk and Recorder.

A copy of the Emergency Preparedness Plan shall be submitted to the Garfield County Emergency Preparedness Office prior to any mobilization and or construction

The Mid America Pipeline Company shall provide a survey of all existing road crossings of the existing pipeline owned and operated by the Mid America Pipeline Company as described in the approved 1980 MAPCO Inc. Conditional Use Permit to the Garfield County Building and Planning Department. The survey shall identify the exact depth of pipe The applicant shall seek approval of a special use permit to repair or replace any and all substandard pipe placements within 120 days of functional operation of the proposed Mid America Rocky Mountain Loop.

A motion was made to close the Public Hearing by Commissioner McCown and seconded by Commissioner Martin; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve a SUP for Mid-America Pipeline company to allow construction of a pipeline with the 11 recommendations listed in the packet; carried.

**PUBLIC HEARING: TO ALLOW AN ACCESSORY DWELLING UNIT. PROPERTY IS IDENTIFIED AS LOT B, LARSH SUBDIVISION EXEMPTION, 7.36 ACRES IN SIZE AT 9179 HWY. 82. APPLICANT: ED LARSH**

John Barbee, Don DeFord, Attorney Sherry Colioa and Attorney Barbara Kozelka were present.

Don determined that proper and adequate notification was in order and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

John presented the following Exhibits for the record: Exhibit A - Proof of Publication; Returned Receipts; and Exhibit B - Project Information and Staff Comments.

Chairman Smith admitted Exhibits A and B into the record.

This is a request for a special use permit to allow an Assessor Dwelling in the A/A/R/RD zone. The site for the special use permit is located in the medium to high density residential area as designated by the 1994 Garfield County Comprehensive Plan's Proposed Land Use Districts.

Barbara Kozelka explained the road was there prior to the Aspen Valley Land Trust holding the conservation easement.

***Recommendation***

Staff recommends APPROVAL, finding that the proposed use is in compliance with all plans, policies, resolutions and regulations as adopted and amended by Garfield County, and that the approval be granted with the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

That the applicant sign the affidavit as submitted with the application, and which may be amended as necessary to the satisfaction of the County.

That the applicant enter into the agreement as submitted with the application, and which may be amended as necessary to the satisfaction of the County.

The applicant is to move the Caboose to the proposed location and entirely strip the structure of all residential appurtenances, and that the applicant shall, at his own cost, request an inspection from the Building and Planning Department to determine compliance with the condition.

The applicant shall obtain a new street address for identification of his property.  
The applicant shall obtain a building permit and any development shall comply with the application and site plan as submitted.  
The applicant shall amend the Exemption Plat on said property to include the expanded building envelope, new access and remove said easement from plat as indicated in the a Agreement as submitted.

Wildfire Mitigation  
Right to Farm

Commissioner Martin moved to close the Public Hearing; Commissioner McCown seconded; carried.  
An Exhibit C was omitted - Agreement with Patricks and Larsh.  
Commissioner Martin moved to reopen the Public Hearing; Commissioner McCown seconded; carried.  
Exhibit C - Agreement with Patricks and Larsh was admitted into the record.  
A motion was made by Commissioner Martin and Commissioner McCown to close the Public Hearing; carried.  
A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the request to allow an accessory dwelling unit for Ed Larsh in the A/A/R/RD zone as recommended by staff adding Conditions 8 and 9 the Wildfire Mitigation and the Right to Farm; carried.

***Senior Housing - Amendments - Community Block Grant***

Commissioner McCown moved to have the Chair authorized to sign the two change orders on the Senior Housing options. Chairman Smith stepped down as Chair to second the motion; carried.

**PUBLIC HEARING: TO ALLOW PLACEMENT OF A SINGLE FAMILY DWELLING UNIT IN A FLOOD PLAIN. PROPERTY IS IDENTIFIED AS BLOCK 1, LOT 5, RIFLE VILLAGE SOUTH SUBDIVISION, 0146 WINCHESTER STREET, RIFLE, COLORADO. APPLICANT: LEONARD & BESSIE CRANDELL**

John Barbee, Don DeFord, Leonard and Bessie Crandell were present.  
Don determined that proper and adequate notification was in order and advised the Board they were entitled to proceed.  
Chairman Smith swore in the speakers.  
John presented the following Exhibits for the record: Exhibit A - Proof of Publication and Returned Receipts and Exhibit B - Application; Project Information and Staff Comments;  
Chairman Smith entered Exhibits A and B into the record.  
This is a request for review of a Special Use Permit to allow construction of a single family home within a Floodway for Leonard and Bessie Crandell located southwest of Rifle in the Winchester Village South Subdivision. The applicant is requesting placement of a manufactured unit within an established subdivision. Legal access is by Winchester Street.  
Chairman Smith commented that if they are not in a municipality a letter is needed by the Fire Protection District stating they will provide fire protection. She also called to the attention of the soils report stressing to follow the engineers recommendation.  
John indicated that the drainage flows down Colt Drive.

***Recommendation***

Staff recommends Approval with the following conditions of approval:  
That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.  
The Special Use Permit shall be issued when all conditions are met, and shall expire 180 days after issuance unless the structure has been constructed. Extensions can be granted by the Board of county Commissioners.  
The lowest floor of any habitable portion of any proposed structures are to be constructed one (1) foot above the maximum water surface elevation of the 100-year flood event.  
That all construction will also be consistent with the recommendations of Geotechnical Engineering Inc., noted in their July 27, 1998 report. That the engineer verify that all excavation and foundation bearing strata were observed and that no changes were necessary prior to the foundation being poured.  
A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve a request for a Special Use Permit to allow construction of a single family home within a floodway with the recommendations by staff and the addition of a letter from the Rifle Rural Fire Protection District.

***Adjourn - 4:45***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn; carried.

Attest:

Chairman of the Board

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**OCTOBER 27, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The CONTINUED meeting of the Board of County Commissioners began at 8:00 A.M. on Tuesday, October 27, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green; Assistant County Administrator Allen Sartin and Clerk & Recorder Mildred Alsdorf.

**IMPACT FEES**

Dennis Stranger and Bob Szrot were present.

Dennis said he has been working with the Oil and Gas Industry regarding impacts on the County Roads both physically and financially. At this time the engineering analysis is still underway.

***Summary***

Dennis named some of the taxes paid by the oil and gas industry that come back to the County either directly or indirectly. They pay severance taxes, mineral lease payments for federal gas and oil; property taxes and other special assessments for the oil and gas commission.

***Severance Taxes***

Dennis summarized how this program works saying it was divided into halves with part going into the State Fund and part into the Local Government. Everything gets siphoned off to school funds and water funds. The Severance Taxes come back to the County and Municipalities indirectly as a severance to production employees that reside in the County. This is like 7 1/2 % of all the taxes.

Dennis reviewed the Grants in detail that were included in his report.

***Tax Credits***

Dennis mentioned that tax credits need to be taken into consideration. Each of these wells pay into property taxes.

*Pilt Funds* - This is put into the Pilt Funds and amounts to over \$500,000 per year into the Road and Bridge fund; then \$75,000 from the oil and gas direct to property taxation; and then a bunch of grants that come into the Road and Bridge. Dennis summarized the total would be around \$700,000 coming into Road and Bridge from the Oil and Gas Industry.

Dennis explained the difference between the oil and gas and the residential establishment and reminded the Board of the double counting issue when establishing the residential impact fees.

Bob Szrot is working on a way of addressing these extremely heavy trucks in terms of a fee and how the proportionality test is met. It is too premature to say what he will eventually come up with. The residents are not being omitted and they will pay their fair share into the road impact fee system.

Mamm Creek and County Road 320 are the roads being used as examples.

Dennis said today he was interested in obtaining feedback from the Board.

***Fee Impacts***

Commissioner McCown said under Statute all the County could look at was the \$700,000 number as far as tax credits.

Mark explained when talking road impact fees and individuals wells, they will pay a certain fee based on calculation of possible easels and ADT's. What is being discussed is giving them a percentage credit for taxes paid to off of that particular fee. Dennis is saying that the County can take the fee and that percentage can be any number of things. It can include the entire \$715,000.

This was discussed in depth.

Dennis said there are other taxes like HUTF, Severance Taxes, and Mineral Leasing. They pay about \$75,000 a well in property taxes.

Dennis commented that Bob is trying to figure how many trucks are going into each well and then add service and maintenance personnel and figure out what their usage is over the life of the well which will become the basis for the impact fee based on that easel probability calculation which is a structural impact on the road.

Commissioner McCown clarified that his understanding was that the oil and gas would pay an impact fee up-front to take care of the road problem. Over a 10 year period they will be given a tax credit to offset that impact.

Mark clarified that in talking tax credits, it is acknowledging that the industry pays a percentage of their taxes towards the Road and Bridge Improvements and in addition there are costs attributed to the impact fee itself. The tax credit is not be what they were credited for on an annual basis - it is not like prepayment of taxes.

Dennis mentioned two things that needed to be done:

Proportionality to start with and then a direct benefit to the fee payer which will be to fix up the roads to support their equipment. The approach the County has taken for legal reasons is that it is more defensible if we are not charging them for impact fees plus continuing to collect property taxes to do the things you would do anyway.

This is the same approach as in the residential where a credit is given the taxpayer of a house either 20 or 25 years of tax credit against their property tax bill for road and bridge.

Dennis added that the things the oil and gas industry will feel is they should be credited 100% of their property taxes against any impact fees. That argument would be based on the services received by the County in exchange for the property taxes.

Commissioner McCown said his intent was never to infringe on any of these other taxes, but what he wanted to come up is a cost per well and percent of that cost just like we did the housing.

Chairman Smith said she realizes all the arguments heard all these years about the amount of taxes the oil and gas pay, she would rather come down to a simple fee that this is a well installation that traffic will impact the roads and everybody pays the same.

Dennis mentioned that what oil and gas is paying to the road and bridge now is \$74,000.

Don suggested there was a number of ways to look at this but he would suggest keeping away from the land use regulations because of the outstanding case law that really limits our authority to deal with the oil and gas industry in that arena. He looked at this under the County's control over roads under State Law Issue Permits and more of a permitting system. One of the problems with that is that if we have to base that on a weight restriction basis, and this goes back to discussions including a full blown system for overweight vehicles that requires that the County establish weight limits for its own roads that are different that state weight limits.

Don said we would have to establish the limits; then permit vehicles to use the roads; and charge an impact fee based on that information. This is uncharted territory in that permits can normally carry a fee that is related to the cost of issuing the permit. It is a controlling mechanism. Here we would have to look at an anticipated damage amount in addition to that. LaPlata County has looked at this; he wasn't sure how much work Dennis has done with them.

Commissioner McCown mentioned that Mamm Creek and County Road 320 was the focus of the study. Those portions improved this year, will have weight limits changed where they will carry legal interstate loads. That was the intent of doing this work on these roads.

Dennis said the approach they were going to take is what does it cost to build a road to anticipate and accommodate the traffic of oil and gas, residential, etc.

Mark said the bottom line is this fee that will have to be applied to all vehicles, trash, gravel, oil and gas, etc.

Bob Szrot mentioned the legal load is 20,000 per axle. So if someone is running a legal load they are damaging the road a minute amount. On a truck, if one axle is 11% overweight the damage or equivalent deterioration of the road probably increases 50%.

Commissioner McCown asked if overweight was the key word?

Bob Szrot said yes. Overweight is such a significant problem and if there was a way to put in a sensor system such as a threshold plate where when a 35,000 lb. axle went over one of our roads, or if some type of identification of the vehicle could be made to make sure they are paying their proper fees, where legal loads would not trigger anything, this would be a great benefit.

### ***Wrap Up***

Commissioner McCown summarized that there is so many variations of activity on these County Roads with production, farmers, ranchers hauling cattle, new drill rigs coming in.

Bob summarized that the solution needs to be equitable for everybody.

### ***Oil and Gas Meeting - Rifle***

Thursday, November 12, 1998

Attest:

Chairman of the Board

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**NOVEMBER 2, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 2, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green; Assistant County Administrator Allen Sartin and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

Karen Allmon - Candidate for Personnel Director was introduced and welcomed.

***Executive Session - Personnel Issue***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into an Executive Session to discuss a personnel issue; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the \$2900 training and assessment costs for Lunde and Associates; carried.

**COUNTY ADMINISTRATOR**

Ed Green gave his report before the Board that included: Meeting on the Y2K Systems with KBS; the newly incorporated Rap Sheet was handed out; Personnel Manuals are ready for distribution; update on the security system for the Courthouse -- Courts; motor pool updates for old and new vehicles; funds for Battlement Mesa Assisted Living for which the County is a pass through directly to Stewart Title Services; Environmental Assessment for the Airport Site from Walsh Environmental; relocation of the maintenance offices; and remodel of the Courthouse for Personnel Offices.

***Remodel Courthouse Space***

The proposal from Phil Vaughn to do the remodeling of the Courthouse was presented for \$15,832. Ed mentioned the funds were in the capital expenditure fund for 1998 to cover this cost.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the request for funds not to exceed \$15,832; carried.

***Mapping - GIS Survey***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to support the continuation of the mapping process; carried.

***Advertising for Boards and Commissions***

Chairman Smith inquired if the various boards and commissions openings were being announced for the Airport and Library.

Ed said this would go out this week.

***Tickler File***

Commissioner McCown reviewed the Oct. 5th Ticker File and Ed confirmed that all had been accomplished.

***Revised Budget***

Allen Sartin stated the revised budget had been presented to the Commissioners and asked if he should proceed or did they have some input.

Commissioner Martin said Allen should move forward.

Chairman Smith mentioned the budget was very handy with the synopsis.

***Airport Insurance***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to have the insurance at the Airport reevaluated; carried.

## **BILLS AND PAYROLL**

Barbara Brown presented the bills and payroll for the Commissioners review.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the bills and payroll as presented; carried.

### ***Request - New Castle - Main Street Project***

Chairman Smith mentioned the County had a request from Steve Rippy to write a letter of support to the Town of New Castle regarding the Main Street landscaping project in connection with C-DOT.

Ed was directed to check with Steve.

## **JAIL DISCUSSION**

Sheriff Tom Dalessandri, Deputy Jim Sears, Dale Hancock, Don DeFord and Al Maggard were present.

### ***Jail Count:***

Total in Jail: 142; 39 main jail; 30 Work Release; 8 females; 45 in other jails and this includes 10 DOC; 4 Workenders; no State Hospital; and 1 in Valley View.

### ***Jail Site - Discussion and Decision - Date Set***

November 16 at noon was set for this decision.

### ***Community Corrections***

Al announced that the Board meeting is a week from Thursday.

### ***Executive Session***

A motion to go into Executive Session was made by Commissioner Martin and seconded by Commissioner McCown; carried.

A motion to come out of Executive Session was made by Commissioner McCown and Commissioner Martin; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the County Attorney to proceed with the potential settlement up to \$10,000 for the Gardner litigation; carried.

## **COUNTY BUSINESS - EMPLOYEE OF THE MONTH**

Helen Leyba was named employee of the month for November 1998.

Mary Meisner, Sandra Barnett and Barbara Ramirez were present for the award.

## **COUNTY ENGINEER REPORT**

Bob Szrot reported on the Library Zero-scaping Project and the Riding Arena at the Fairgrounds.

### ***Library Project***

Chairman Smith asked Bob if he had heard anything from Mr. Moffatt.

Bob said no he hadn't.

Chairman Smith said she appreciated Bob's letter.

Bob said after he was faxed the copy of Mr. Moffatt's letter to the City, he had to do something for the file just to put the record straight. Bob said he was still open until we physically lay that flagstone, we're open to changes.

Chairman Smith asked Bob, and the City approves?

Bob said yes.

Chairman Smith told Bob, "I wouldn't worry about it at all."

Bob said thank you.

Chairman Smith well she didn't know how everybody else feels but that's the way I feel about it.

### ***Indoor Arena***

Carol McNeel, Pat McCarty and Bob Szrot presented the proposal for the Fairgrounds Arena.

Bob submitted proposals with varying numbers. Two scenarios were discussed -- Bob doing the construction management and one scenario having someone hired to do that portion.

Discussion was held with respect to the lottery funds increase and the funds potentially available for this project.

Commissioner McCown estimated a maximum of \$495,000 tops to be available.

Commissioner Martin voiced a positive position for the arena and said he felt it would provide a whole change of marketing and different clientele. Ultimately he said he feels it will pay for itself over time. People will come and the building would be an asset for the various communities.

Commissioner McCown suggested if Bob is the construction manager for the project that would require him to be out of the office for 3 months. Based upon that Bob should first consult with Road & Bridge and Building & Planning to see how his absence would affect those departments.

Bob said he is looking at surveying, re-grading, site preparation, utility work, concrete and steel beams in the price quoted. He mentioned his time frame is to have this new arena fully built by June 1, 1999.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to proceed with the Fairground's Arena Project using scenario #2 and to negotiate the \$65,000 construction management cost, the amount not to exceed \$510,400; carried.

#### ***Extension***

Carol McNeel reported they have found storage space in Rifle; the fax was in, the phone is working and being call forwarded from the Courthouse; and they received some bookshelves from the Court that have been helpful in displaying informational materials.

#### **DEPARTMENT HEADS**

##### ***National Benefits - Updated Contracts***

Barbara Ramirez presented.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the flex benefits contract; carried.

#### **BUILDING AND PLANNING**

##### ***Resolution and Plat - Naugle***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution and Plat concerned with granting an exemption from the Garfield County Subdivision regulations for Harry and Rhonda Naugle; carried.

##### ***Resolution - SUP - Larsh***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the approval of a Special Use Permit for Edward B. Larsh; carried.

##### ***Resolution - SUP - Mid-America Pipeline and Permit***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the approval of a Special Use Permit application for Mid-America Pipeline Company; carried.

##### ***Resolution - SUP - Crandell***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the approval of a Special Use Permit application for Leonard and Bessie Crandell; carried.

##### ***Resolution - CUP - Jewell***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the approval of a Conditional Use Permit application for Georg Ann Jewell; carried.

##### ***Resolution - Reinstatement - Final Plat - Sierra Pinyon Subdivision***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution concerned with the reinstatement of the final plat of the Sierra Pinyon Subdivision and repealing Resolution 98-43; carried.

##### ***Acknowledgment - Aspen Glen Peaks - Phase I***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign an acknowledgment of partial satisfaction of subdivision improvements agreement for the Aspen Glen Golf Company for the Peaks at Aspen Glen, Phase I; carried.

***Request - Glen Jamarron - Amend Lot Lines***

The Board said to proceed with a plat for signature of the Board.

***Referral - Planning Commission - Public Service***

Mark submitted the request from Public Service for an Amendment to Zone District for Utility Lines - Right Of Way through condemnation.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer this to the Planning Commission; carried.

***Colorado Rocky Mountain School***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer the Colorado Rocky Mountain School to the Planning Commission to obtain a Conditional Use Permit. (Mark said they were in a nonconforming use at the present time.) Motion carried.

Don DeFord mentioned to the Board that Carolyn Dalghren is a Board Member and a member of his staff but she does not make decisions on land use; therefore Don felt comfortable in his office representing the Board on this issue.

Chairman Smith agreed that she did not see a conflict on interest.

**PUBLIC COMMENTS FOR PROPOSED BUDGET**

Don DeFord and Allen Sartin were present.

Don determined that Notice was published as required and the fax copy was presented.

Chairman Smith swore in the speakers.

Exhibit A was submitted into the record by Chairman Smith.

Allen said the budget was available for the public and press to review.

Allen submitted a copy of the proposed budget as Exhibit B; Chairman Smith admitted it into the record.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the Public Hearing; carried.

***Rural Health - Club 20***

Ed presented a request submitted for the County to be a sponsor for \$1000 for the Rural Health - Club 20.

Ed was directed to contact all the municipalities and see if he could obtain support with funding.

A motion was made by Commissioner McCown to approve the expenditure not to exceed \$250;

Commissioner Martin seconded and the motion carried.

**PUBLIC HEARING: PRELIMINARY PLAN OF THE EAGLE'S NEST AT ASPEN GLEN TRACT A - LOCATED IN THE ASPEN GLEN PLANNED UNIT DEVELOPMENT. APPLICANT: ROARING FORK OFFICE PARTNERSHIP, LLC.**

Mark Bean, Don DeFord and John Laatsch were present.

Don determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark presented that this was a Preliminary Plan for Eagle's Nest - Tract "A" at Aspen Glen made by Forsythe West Investments on a 2.881 acre parcel of land identified as being an area for high density residential development.

Mark presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Staff Comments and Project Report; Exhibit E - letter from Carbondale Rural Fire Protection District; Exhibit F - a letter from the Colorado Geological Survey; Exhibit G - a letter from School District RE-1 and Exhibit H - a letter from the Division of Wildlife.

Chairman Smith submitted Exhibits A - H into the record.

The proposal includes splitting the tract into 8 detached single family lots that average 0.30 acres each in size. The access to the common lot comes off of Wildflower Drive, which provides access off of Bald

Eagle Way to a number of other single family lots in the subdivision. Water and sewer will be provided by the Aspen Glen Water and Sanitation District.

### ***Recommendation***

The Planning Commissioner recommended APPROVAL of the proposed Preliminary Plan subject to the following conditions of approval:

All representations of the applicant, either within the application or stated at the public hearings before the Planning Commission shall be considered conditions of approval unless otherwise stated by the Planning Commission.

The applicant shall pay a per lot in School Site Acquisition Fee prior to the approval of any Final Plat. As a part of the Subdivision Improvements Agreement at Final Plat applicant shall provide for an expansion of the parking lot for the clubhouse, for fire protection purposes.

No Final Plat approval will be given to this subdivision, until the Aspen Glen Sanitation District establishes an amount per required EQR to be paid to the District, which will insure that the necessary sewage treatment facilities can be built.

The following plat notes shall be included on any Final Plat:

"Certain building locations may be subject to geologic and hydrologic hazards. All structures shall require the submittal of an engineering report addressing soils and geology conditions, foundation design and drainage prepared by a registered professional engineer. All site development, including building construction, shall be conducted in accordance with engineer's stipulations."

"No open hearth solid-fuel burning fireplaces will be allowed anywhere within Aspen Glen." "All dwelling units will be allowed unrestricted number of natural gas-burning fireplaces or appliances." "All dwelling units will be allowed no more than one new wood-burning stove as defined by C.R.S. 25-7-401, et. seq. and the regulations promulgated thereunder."

"Only one dog is allowed for each dwelling unit."

"There are bald eagle protection restrictions in place for the Aspen Glen PUD, which have seasonal restrictions and area closures regarding the eagle's nest. A copy of the "Protecting the American Bald Eagle at Aspen Glen" brochure will be provided to all Aspen Glen property owners." "All outside lighting will be downward (down lighting)."

Commissioner Martin made a motion to close the Public Hearing. Commissioner McCown seconded the motion; carried.

A motion was made by Commissioner Martin and seconded by Commission McCown to approve the Preliminary Plan for Eagle's Nest - Tract "A" at Aspen Glen for the Roaring Fork Office Partnership, LLC. with the information presented in the staff report and recommendations with the elimination of "It is the staff's position...." referenced on page 4 paragraph G; carried.

### **ROAD AND BRIDGE DISCUSSION**

Mark Bean, King Lloyd and Mike McBreen were present.

### **AWARD OF LOADER, MOTOR GRADER & ROLLER**

King announced that the roller is in.

Mike McBreen presented the bid.

King tested the roller and in fact it was used to complete the CR 266 turn around. King explained they utilized the driveway of the new owner of the Call's property. The Roller is very satisfactory. The price is \$166,666.66 with a trade-in on the two old ones for a total of \$137,666.66. King recommended Century Equipment to awarded the bid.

Commissioner McCown made a motion and seconded by Commissioner Martin to award the bid to Century Equipment; carried.

### ***Loaders and Graders***

Total to date: King mentioned with the replacement equipment the line item in his budget was going to exceed the monthly \$450,000 yearly payment and asked to delay the award until they can figure what to do with the equipment. The loader is on borrowed time per King.

Commissioner McCown mentioned that the \$450,000 was all they anticipated paying and King would need to prioritize.

*Discussion*

King would like an opportunity to put some options down on paper and postpone the award of the loader and blades until next meeting.

The Board approved.

***Overweight/Oversized Reports***

King submitted the reports for the Commissioners to review.

Revenues are coming in but the number has dropped off in October. He said there was a high number in September due to the pipeline in Roan Creek.

***CR 204***

The Board relayed to King that a complaint was received by the Rinderle's on CR 204. King said the family lives on the upper end of the road near Brush Creek. Marvin was up there on Wednesday and reported the road was not that bad. However, King will make a note of the complaint.

***Inglehart Complaint - CR 331 & Chipperfield***

Commissioner McCown stated the complaint is that the ditches washed and now the Martin's can't get to the mail boxes.

King said the phone line was exposed now and that had generated from the washing.

***West Mamm Creek***

King gave a report on the Mamm Creek Project.

***Wagner Project***

King reported that this project is completed. He did get a signature on the project plan and has followed up with Mr. Wagner.

The Board would like to have a release stating Mr. Wagner did accept the project mitigation.

***Old Truss Bridge - Shideler***

King will check with Paul Shideler.

The Board commented if he wants it, no problem, if not, then sell it for salvage.

***Signs for 266 - "dead-end, no outlet"***

King mentioned the No Parking Signs for Red Hill have been ordered.

***CR 115 - Red Canyon Road***

King said they did blade CR 115 on Saturday.

***Stove Canyon - This side of Douglas Pass***

King said that a gate had been erected in advance of hunting season. An attempt was made to contact the people named in the letter and the Road and Bridge staff were unable to. King mentioned that if this is a gated County Road, it needs to come down.

The Board directed King to handle this with Don.

***Acknowledgment of Riverbend Filing No. 5 SIA***

Commissioner McCown made a motion and Commissioner Martin seconded the Chair to be authorized to sign the Subdivision Improvement Agreement for Riverbend Filing No. 5 release of funds; carried.

**PUBLIC HEARING: TO CONSIDER REQUESTING VACATION CR 214 UPPER EAST ELK CREEK ACCESS TO SPRING CREEK**

Mark Bean, Don DeFord, Gary Osier and Steve Rippy were present.

Don determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Application and Attachments; Exhibit D - Staff Comments and Project Report.

Chairman Smith submitted Exhibits A - D into the record.

Gary Osier - Forest Service in Rifle and Acting District Ranger - this particular request was made in about 1989 to try and improve the East Elk Trail. There was an attempt to improve this prior to the White River Centennial in 1991. The Forest Reserve was declared in 1891 and the trail was attempting to be named the

Centennial Trail. They were not successful in garnering any money at that time to do any improvements so shortly thereafter they formed what was called the Garfield County Access Committee consisting of representatives from the Forest Service - Terry Wood; Garfield County - Commissioner Buckey Arbaney; Division of Wildlife - Mark Konishi; and Mike Mottice of the Bureau of Land Management. Additionally there were five citizens at large.

The Access Committee agreed to build a trailhead and close the road. They tried to get some dollars in 1997 and asked for watershed improvements from East/West Divide and Battlement Mesa, and part of the Town of New Castle water.

The Trailhead was closed to open fires and camping.

*Steve Rippy* - 333 West Main Street - New Castle - referenced the newspaper article and said various ones were protesting the closure of the road in relation to what they had read and heard. He mentioned the sentimentality as well as some stressed that the beautiful part of that area starts at place proposed to be closed. People do not want to see access given up. Steve said Gary and he have discussed this and added that the Town of New Castle would be in favor of helping.

*Steve Dore* - 3285 CR 241 - commented that the area at end of CR 241 is an excellent picnic spot and in the summer it is approximately 15 - 20 degrees cooler. He felt there was no need to close the road.

*Cleo Ferrin* - CR 241 said his parents lived here and took him into the canyon as a young boy. The beauty of the canyon begins at the end of the road. On the issues of litter and watershed contamination, he said this does happen and everyone needs to get more control and take more interest in the area. He felt it was okay to block off the creek and construct turn outs along the road. He also said he will help build fire pits there so people who want to cook their hamburgers will have a safe place to do so. He also voiced a need to have a road to get up there with emergency vehicles. Therefore, he requested the Commissioners keep that section of the road open and everyone work together. He also suggested the possibility of organizing a cleanup crew and schedules to pick up trash.

*Marge Chandler* - 305 Road - went above the houses on CR 241 and collected samples from the creek. The test came back showing people fecal coli form in the water.

Chairman Smith read John Sample's letter into the record saying he favors the road remaining open and listed 6 reasons why: 1) the County Road and Bridge recently improved the road; 2) the area provides a beautiful area to relax and fish for both the old and young; 3) the Town of New Castle is not concerned about people using the area for recreation even though it is in their watershed; 4) he called Gary Osier the Assistant Ranger and he was not aware but there are two irrigation ditches that have access off the road; these would need to remain accessible for the families to adequately maintain; 5) both of the above ditches require monitoring by the Division of Water Resources and without public vehicle access to the head of these ditches it would require the DOW to walk to the control structures. Late summer water shortages require frequent monitoring and adjustments; and 6) he really questioned the validity of the fecal matter in the water. He's never seen a person wade out into a stream to do their thing. With the limited amount of rainfall in this area he questioned the amount of matter that can be washed into the stream by runoff from behind a bush.

*Elizabeth Chandler* - CR 314 - no one wants to restrict the use of the area. By closing the area in question, it will be better. For the elderly and/or young children walking along the side of the road, the traffic is so bad that this is not safe. Closing the road would make it better for all to enjoy. John Kelly gave guaranteed access to the head gate.

*Darcey Brown* - Oak Run - Carbondale - a friend of the Kelly's and her 77 year old mother and 86 year old father ride horses in the canyon. The road closure would be a plus as it would be an additional trail.

*Carol Bell* - Silt - 0012 Odin Drive - accesses Elk Creek by horses as a tradition. Prefers the road be closed. Area to be accessible but feel there is real concern because of the traffic and categorizes the road as dangerous. She read a letter into the record from Hal Sundeen of the 100 Club (this is a couple whose ages equal to 100 years). "I am writing on behalf of the nearly 400 members of the 100 Club ranging in age from 50 to over 80. More than 25% of whom participate in our hiking program which runs from the end of April until the end of October. Almost all of these hikes are on public lands, National Forest or Bureau of Land Management Land. Through these hikes attracts a turnout of 25 to 45. We are familiar with the East Elk Creek and strongly support the new parking area and trailhead which has been constructed and the closure of the road beyond that point, most of which is in National Forest. Hikes which our group have done include 8 of the 1400 mountains in Colorado including Mount Umpcompardre and Mount Elbert. On each of these we had 25 people reach the summit. Our typical hikes have an average length of 10 to 12 miles round trip and an elevation gain of 1500 to 2500 feet. As you can see the lack of roads is no deterrent

to the senior citizens most of whom are in their 60's and 70's. This puts the lie to the unspoiled nature and quiet of roadless areas which we find most appealing. Therefore, we hope that the Forest Service will not go back on the East Elk Creek Road beyond the newly constructed parking area and trail head. Keeping that one mile of road open will do nothing but perpetuate the use of the area for unsupervised parties which have created litter and environmental destruction none of which is in the interest of the Forest Service, the public or the adjacent land owners."

*Carol Bell* said that she wants to go on record that she prefers to see the road closed.

*Rosie Ferrin* - 151 West Main - New Castle gave a history of a similar discussion starting back in 1985, July 16 when a petition was spearheaded by her due to the violence over the talk of closure of the road. She read from an article that appeared in the Glenwood Post - July 16, 1985. "Mayor Tore Down the Gate. Old Timers Very Upset." The petition was passed around and the following day July 17 the gate was open. When it was opened she thought it was the end of it. July 1998 she gave Mayor Rippy and New Castle Town Council a list of names of some that called her to get her going again on a similar petition. The people do not want the road closed. For many old timers this area is dear to their heart. She is personally willing to plant things and do her part volunteering in keeping the litter cleaned up.

*Tom Boyd* - County Road 245 - goes up East Elk Creek quite often on horses. The point about closing the road for horse trailers, well he never took his horse trailer up there. He favors the road staying open. He knows it is a favorite spot for old timers. His dad is 81 years old and he would not be able to walk the trail. He suggested putting up a port-a-potty in the picnic area and keeping this open to the public.

*Reno Pretti* - County Road 130 - commented that the trail does have a purpose and he has understood that it was for horses to travel. One of the problems is these 4-wheel vehicle drivers who display road rage to people riding horses. He is very concerned with the safety of this area.

*Shirley Sample* said in August it is not unusual to find people camping at this area and they use the outdoors for their bathroom.

*Gary Osier* said that if it is known that people are camping, then he needs to be informed.

It was also suggested that the County Sheriff could become involved and enforce the restriction to campers.

*Mr. Kelley* - 4671 CR 241 - said the access goes through their property. He has talked the last 11 years with the Forest Service. Everyone has good points. He suggested a senior citizens gate for access for those unable to walk. He is not attempting to deny access; the safety issue is a big concern to him. He suggested the schools teach the kids respect for the National Forest. Big horn sheep live up there and he wants the area to stay beautiful and scenic.

*Chuck Kline* - 241 Road - has been a rancher since 1938 and he has used vehicles and horseback riding for access. He is totally against closing the road.

*Don DeFord* mentioned that he had not anticipated having a public hearing today. He said he did forget a notice provision. There are two statutes when considering the vacation or closing of a road. Since it appears that this now is the issue in front of the Board, the vacation of the road issues were addressed earlier in terms of noticing but added that in terms of the closure to a public road, under section 43-2-20.1(1) noticing requirements to posting that there has been publication. Don said he does have proof of publication concerning today's hearing and that needs to be accepted into the record.

*Chairman Smith* admitted Exhibit A into the record.

*King Lloyd* testified that at Don DeFord's request, that he posted East Elk Road indicating there was a proposed closure and he put it in the area of Kelley's gate. He added it was posted for approximately 2 weeks.

*King* added that the public announcement included the road was being considered for vacation and anyone having comments should be at this meeting or contact the Board of County Commissioners.

*Don* said that the notice requirements have been met.

*Gary Osier* said that New Castle City Council and Chairman Smith and Commissioner McCown met on the grounds discussing the possibility of solving some of the problems. Gary agreed to meet with the wildlife biologist on the red-herring area and took Marvin Stephens. The Project Agreement provides for building the trail and adding a concrete pad for a toilet at the trailhead. Gary said the concrete work should be completed very soon. The Forest Service concern is in protecting the watershed; the Forest Service has an obligation to maintain watersheds. The biologist found that several areas could be replaced with rock barriers; and additionally the Forest Service is working with Steve Rippy with regards to long terms things such as trash pickup, patrols and maintenance of the toilet. The Memorandum Of Understanding (MOU) lays out all the things that have been discussed. This represents the first building block to bring that area under some type of collective management. It will still allow some motorized access to the area but it

obligates the various entities being a part of the clean up. Gary said in proposing this MOU, and based on the signing of it, obligates the Forest Service to a management strategy.

Gary said that based upon the testimony heard today and the interest in the area from the residents, the Forest Service withdraws their request for abandonment of the portion of CR 241 at this time.

King said he understood that the maintenance of the CR 241 in 1985 was limited and to be done in a primitive fashion. Based upon some input today, did the Board want that upgraded?

The Board determined that the road should be left primitive but it was suggested for King to put up directional signs - "yield to horse and foot traffic".

Commissioner McCown made a motion and Commissioner Martin seconded to close the Public Hearing; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to deny the request to vacate CR 241 Upper East Elk Creek and to revisit this in one year; carried.

#### ***Memorandum Of Understanding with the Forest Service***

Don recommend the Chair to be authorized to sign.

Commissioner McCown said he would like to look at the agreement before making the motion.

Commissioner McCown had a question on Number 8. Nonperformance and suggested Don meet with the Forest Service on Issue No. 8 where it stipulates the Forest Service can automatically close the road if this doesn't seem to be working.

Discussion included that this would circumvent the County's Public Hearing Process and therefore would be an issue that needed to be resolved.

Gary said the Forest Service will post a sign saying "This is not the Buford Road."

A date certain of November 16 at 5:00 P.M. was set for the Memorandum Of Understanding to be discussed.

#### **PUBLIC HEARING: ABATEMENTS**

#### **NATIONS CREDIT COMMERCIAL CORP; JEFFREY B. JOHNSON; WILLIAM AND FRANCES MCDOW; GARY WITHROW; ARNULFO FUENTES GARCIA; WARREN W. MINER; ANTONIO GONZALES; YVETTE L. & ISMALL ZAMORA, JR.; AND ALFRED D. & ROSE I. SANFORD**

Steve Rippe presented the abatements as follows:

Nations Credit Commercial Corp. - \$1,328.44;

Jeffrey B. Johnson - \$411.01

William and Frances McDow - \$23.75

Gary Withrow - \$82.76

Warren W. Miner - \$28.36

Antonio Gonzales - \$23.75

Uvettel & Ismall Zamora, Jr. - \$129.31

Alfred D. and Rose I. Sanford - \$1.91

Commissioner McCown moved to approve the abatements as above; Chairman Smith stepped down as Chair and seconded the motion; carried.

Steve said in 1993 Battlement Mesa appealed all mobile home valuations. In 1993 the legislature enacted a new law that removed marketing as an adjustment for doing property valuations. The 1993-94 Abatements were denied by the Garfield Board of County Commissioners and also denied in District Court.

Don stated the issues included the fact that Judge DeVilbiss hasn't moved on some of the cases. The County also has three pending Board of Assessment Appeal Cases. Part of the delay in some of those cases have been related to an appeal from another County. That decision was rendered last Spring in favor of Steve's method of evaluation.

Steve discussed further the Battlement Mesa Abatement appeal. He said the 1993 abatement amount is \$11,938 and in 1994 \$13,527. He added that as the market value of those lots increased and their sell out period declined, the results were in 1995 is \$18,826; 1996 is \$14,407; and 1997 is \$11,912. This amount does not include the interest required to be paid back.

Don mentioned to the Board with regard to Abatements the County from its general fund is not responsible for the total amount of the abatement. It is abated in a pro-rata amount of tax benefit that you receive. The School Districts will be paying more of this than the County.

Steve estimated the County's portion to be approximately 50%.

Don DeFord, County Attorney explained what he needed today -- for the Board to authorize him to sign stipulations such as Steve Rippey the Assessor has agreed to the District Court Case 93-CB-95-2 and Board of Assessment Appeals Cases 28774 and 30952 and Case 32357. He added that all of those are what Steve described. Don said this does not include the abatement yet, it only includes settlement of pending litigation in front of the Board of Assessment Appeals and the State District Court for Garfield County. Once the stipulations have been completed, they will come back and ask for an abatement based on the rulings based on the Board of Assessment Appeals and the District Court. Commissioner McCown so moved. Commissioner Martin seconded. Motion carried.

**PUBLIC HEARING: SOPRIS RESTAURANT - CHANGE OF CORPORATE STATUS**

Mildred Alsdorf mentioned that the only change was the name and she informed Kurt Wigger that he didn't need to be present.

A motion was made to close the public hearing by Commissioner Martin and seconded by Commissioner McCown; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign and approve the change of Corporate Status for Sopris Restaurant and Transfer of Ownership; carried.

**RENEWAL OF LIQUOR LICENSE: VALLEY LIQUOR; THE GUZZLER; SKI SUNLIGHT, INC.**

Mildred Alsdorf presented the renewals.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the chair to sign the renewals of Valley Liquor, The Guzzler, and Ski Sunlight, Inc; carried.

***Personnel Director - Candidate***

Barbara Ramirez and Karen Allmon were present to meet with the Commissioners and discuss her background in personnel.

Commissioner McCown mentioned this was a newly created position and the County was still in the learning process. The Board knows the need for the position but there are financial constraints to do the things we should do.

**PUBLIC MEETING: VACATION/DEDICATION CR 162. APPLICANT: ANDRIENNA CROUCH**

Mark Bean and Don DeFord were present.

Mark explained that the request is to vacate CR 162 however the road has not been completed.

This was rescheduled for November 9, at 9:45 A.M. in a motion made by Commissioner Martin and seconded by Commissioner McCown; carried.

**CONTINUED HEARING: CANYON CREEK AMENDMENT**

Bob Szrot, Melody Massey for Russell George's Office and Carl Smith representing the Homeowner's Association were present.

This is a continued hearing to see if they completed the road.

Don explained that the Canyon Creek Estates had decided to go ahead with the Amendment to the PUD, Resolution to the PUD and an Amended SIA that will be held by the Clerk until the letter of credit for \$26,000 is received. Don reiterated that both the Resolution and SIA should be held until posting.

Don explained what he needed today was a motion authorizing the Chair to sign an amended SIA for Canyon Creek Estates that would require reconstruction of the upper portion of the road and posting security for that purpose as well as a Resolution that would reinstate the final plat for that portion of the Canyon Creek Estates PUD.

Commissioner Martin so moved. Commissioner McCown seconded; carried.

***Contractual Change Orders***

Don said there was another issue. There have been requested change orders for the contract for construction of the lower portion of the roadway.

Bob Szrot explained there were two change orders that have occurred. Change Order No. 1 had to do with securing bond which all three of the Commissioners have approved; Change Order No. 2 had to do with additional quantities and a few other items that the Commissioners have not approved. This increases the bond amount by \$3 - \$5,000.

Discussion was held.

Steve Ehlers explained that this included some weed treatment on the shoulders; added some more PFC to the islands at the entrance; some additional grading was necessary along the shoulders to obtain the correct drainage; and included some quantities that were incorrectly calculated that created an error. The total of the Change Order No. 2 amounts to \$14,379.00.

Commissioner McCown moved to approve the Change Order.

Commissioner Martin seconded; carried.

A motion was made to recess until November 4, 1998 at 8 A.M. by Commissioner McCown and seconded by Commissioner Martin; carried.

***Recess - 5:10 P.M.***

Attest:

Chairman of the Board

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**NOVEMBER 4, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The CONTINUED meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 2, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green; Assistant County Administrator Allen Sartin and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

This meeting was called for the specific purpose of having the department heads and elected officials present their case before the Board for items listed within their budget.

Those present for this discussion included: Margaret Long and Colette Barksdale of Social Services; King Lloyd for Road and Bridge; Mark Bean for Building and Planning; Sheriff Tom Dalessandri and Barbara Sunderland for the Sheriff's Office; Steve Rippy for the Assessor's Office; Trey Holt, Coroner; Georgia Chamberlain for the Treasurer's Office and Jaci Sphuler for the Library.

**COUNTY ADMINISTRATOR**

Ed Green and Allen Sartin presented the Budget for 1999 in its preliminary form. Discussion was held regarding the following position requests:

***Clerk & Recorder***

Mildred Alsdorf for the Clerk & Recorder's Office asked for an additional Motor Vehicle Clerk. She gave the justification for the request saying the revenue gross in her department has increased. Additionally, the things being provided by her office are by statute. There are more requirements coming through changes in the statutes that directly affect the functions in the various departments in her office.

Another factor is that she is losing several older employees who have the knowledge and experience and many times can do the work of two new hires. One is retiring; one left to take another position; and one is on a workman's comp injury.

Mildred mentioned she was asking for two new personnel staff. The Rifle staff now has two in that branch; there is a Deputy that is away from the counter most of the time; and one of the motor vehicle staff in Glenwood have to cover the vacancy in Rifle when there is illness or vacation.

*Motor Vehicle Registrations* have grown from 49,000 to 56,000.

Allen qualified the cut of the personnel positions saying he and Ed just felt there wasn't enough funds to fill the requests

Chairman Smith mentioned this was one position that she felt was justified.

Commissioner McCown also said he felt one Motor Vehicle staff was needed.

***Social Services***

Margaret Long for Social Services asked for additional personnel and justified her request.

***Building and Planning***

Mark Bean requested an additional entry level planner and supported that request with all the new projects, his job responsibilities that have changed and wants to fill some of the gaps in land use permitting. This person would basically help John with projects and Victoria with long range planning issues.

***Assessor***

Steve Rippy requested an Appraiser II stating additional revenue will be created to offset the cost of the position.

**Additional Budget Requests**

***Jail - Capital Improvement***

Allen stated that most of the funding was placed in 1999 and a minor portion placed in 1998 for engineering and a variety of activities of that nature.

***Fairgrounds - Indoor Arena***

The Indoor Arena has \$300,000 set aside.

***Vehicles***

These vehicles are associated with the Sheriff's request for two more officers. If the Sheriff's request for additional personnel are denied, the cost of these vehicles will also be removed.

***Library - Air Conditioning***

Allen mentioned the Library has a variety of projects that include air conditioning and painting. Most of these do not rise to the level of capital expenditures.

***Social Services***

Their telephone system is not Y2K compatible; the document imaging system needs to be put on microfilm; and Rifle office needs 20 desks.

***Road and Bridge***

King Lloyd mentioned their big project was CR 109.

***Sheriff***

Tom Dalessandri mentioned the current jail needs a new roof.

***Treasurer***

Georgia Chamberlain said they were looking at two systems for the upgrading of the computers. They are having discussion costs with Eagle Computers and BSR. She stressed it was important to access to the Assessor and Clerk's systems; the Accounting download and back load is showing giant steps forward versus staying the same as now.

***Medical Services - Jail***

Chairman Smith mentioned that this keeps coming in higher. Tom said they have three bids for the medical services. Everyone came in much higher than the one they submitted in the budget.

***District Attorney***

Mac Meyers indicated to Allen that his impression was to have Pitkin and Rio Blanco join in an effort to finalize his budget.

***Coroner***

Trey Holt presented a request to the Board. He asked if there was a possibility that he can be put under the health plan. If he can't that's one issue. The second issue is a request for the Board consider some sort fee for the funeral home building.

Chairman Smith asked if he meant a rental type of thing.

Allen said they were requesting \$16,000.

Trey said that can be worked out but these are the only two things he asked the Board to consider.

Chairman Smith said they can certainly check on the insurance request. She said she thought the Coroner qualifies under the Health Plan.

Allen said he could check on it.

Commissioner McCown said he didn't think that was an unreasonable request.

Chairman Smith agreed and added that he would need to pay \$20 for dependents a month.

Ed said it was approximately \$520 a month for family coverage and all but \$20 of this is paid by the County.

Commissioner McCown added it was about \$6,000 a year.

***Adjourn***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn; carried.

Attest:

Chairman of the Board



**NOVEMBER 9, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 9, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin; and Commissioner elect Walt Stowe were present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

**COUNTY ADMINISTRATOR**

Ed Green gave his report before the Board.

***Oil and Gas Impact Fee - Associated Government***

Commissioner McCown mentioned the possibility of scheduling a work session. He asked Mark, Ed, and Bob Szrot to attend. Mark was directed to set up this meeting that was requested by Brian Mackey to discuss the current direction and future for the Oil and Gas Impact Fee.

***Pilt Payment***

Commissioner McCown mentioned he would provide copies to the other Commissioners of this correspondence; the Board may want to opt out of the program.

***Inter-Agency Fire District Meeting***

Chairman Smith mentioned the Inter-Agency Fire District meeting would be with Mesa County.

***Trailheads Application - GoCo***

Chairman Smith mentioned the Mount Sopris Recreational Riders requested a letter stating the Garfield County Board of Commissioners support the application to GoCo. It consists of a State Trail from Sunlight to Powderhorn. Chairman Smith mentioned that Stuart McDonald was the State Coordinator.

Commissioner McCown moved the Chair be authorized to sign a letter from the Board indicating support for their program. Commissioner Martin seconded; carried.

***Budgets - Airport Authority and District Attorney***

Ed mentioned the correspondence had been sent regarding the Airport Authority and the District Attorney's budget discussion with the Board of County Commissioner. The Board's request to meet with all three counties with respect to the District Attorney's budget was given to Mac Meyers.

The Airport Authority and the District Attorney's budget hearings were set for December 7. The District Attorney will be at 11:30 A.M. The Airport will be at noon.

***Watershed Meeting - Department of Health 208 Plan***

The meeting will be held at the Basalt High School this Thursday evening November 12.

Ed, Mark and Commissioner elect Walt Stowe will plan to attend.

***BLM and Bureau of Reclamation - Ruedi and Rifle Gap Meetings***

Commissioner Martin reminded the Board about the meeting to be held on Friday, November 13 from 11:00 A.M.- 1:00 P.M. for discussions on Ruedi. This will be at the Courthouse in Room 301.

Ed mentioned the Table Top Review regarding Rifle Gap emergencies will be held on Tuesday, November 10 - 9:00 A.M.

**ANDRE PROPERTY - QUIT CLAIM DEED**

Don DeFord presented that this was a Quit Claim Deed. He asked for a motion to authorize the Chair to sign a quit claim deed. Don explained that prior to 1980, the County reached an agreement with Andre concerning transferring property of the County along Donegan Road in which in return the County would

vacate its right-of-way so they could establish a new road through there. Legally Andre's portion of the road never got to the point of vacating right-of-way. Andre is selling his property and has reached the point of closing today and wanted a clear title. Jim Leuthueser has been working with Andre and the surveyor to obtain this. Don said Andre's surveyor along with the County Surveyor agreed on a description for his entire property and the County will deed any interest the County has in the entire property which runs to edge of a water line easement that's maintained by the City in the County right-of-way as the way this was handled. Don asked the Board to complete the transaction began many years ago.

Commissioner Martin so moved to authorize the signature of the Chair on this Quit Claim Deed  
Commissioner McCown seconded; motion carried.

### ***RFRHA - Railroad***

Don mentioned that Commissioner Martin and he had discussions over the last week regarding the offer of purchase on the Railroad Right-of-Way that preliminary meets the terms of the offer of financial assistance. By 25th of November the RFRHA Board and the purchaser either have to reach a decision or submit the letter to STB for its review and recommendation. Commissioner Martin wanted to discuss the issue and see if action needs to be taken. He said he feels that freight and passenger service is still appropriate. How do they stand on this sale to this company? There is a freight seminar on November 19 and at that time they will be asked what is the position on the potential of freight and the financial possibility of passenger service between Woody Creek and Glenwood Springs. Questions such as how does this Board stand on these issues and the sale to this company will be asked. Therefore he asked for discussion and input. Chairman Smith mentioned that apparently a letter was circulated that came from a California public utilities saying that this particular firm seems to be one they are very concerned about pulling up the rails. She said this letter was directed to Mr. Montange.

Commissioner Martin referenced the original agreement when they first decided to purchase the railroad, the salvage cost was well under \$2 million dollars. Therefore, he felt they wouldn't offer \$8.5 to pull up salvage for \$2 million.

Commissioner McCown mentioned the letter said they have an operating railroad in the Bakersfield area. Don added they have two operating railroads, one in Texas and one in California.

Chairman Smith wanted to know if the intent was to pull up the rails as it makes a difference in how she feels.

Commissioner Martin stressed that Garfield County Commissioners have advocated not to pull up the rails. Chairman Smith and Commissioner McCown agreed.

Commissioner McCown said his perception of what should happen on the rail corridor has not changed since day one. The possibility of freight and passenger service should be made available.

Don was asked to obtain a copy of this letter so the Commissioners could review it.

### ***Representatives to RFRHA from Garfield County***

Discussion was held.

Commissioner Martin asked the Board if they still felt Walt Brown should be included in any discussions with RFRHA with this Board if there are any Executive Sessions.

Chairman Smith commented that Walt Brown should be included in all our meetings.

Don agreed that he should be included in all sessions and Executive Sessions.

Chairman Smith added that it should be real clear that Walt Brown is acting on his own and not in any capacity as an attorney that the Board has hired.

Commissioner Martin clarified the reason he asked that question. The direction of this Board needs to be known and not just his or Walt's individual opinions and comments. They are conveying the message of this Board and that's what Commissioner Martin said he wanted to get out into the public. Instructions and directions are given by the Board and that's what we take to the RFRHA meetings. This would alleviate any potential challenge. He added that he didn't want Don DeFord to get blind sided in any way either.

Don said he didn't remember that Walt Brown recently has been appointed as a representative of the County and this does need to be clarified at this point since there are some real difficult legal positions and it could be in the STB proceeding as the County is a party to that proceeding. We may have to take a legal position on this issue.

Commissioner McCown clarified that Commissioner Martin is the County's designated representative.

Don said as he remembered Mark Bean is the back-up person.

Chairman Smith felt this was appropriate.

Commissioner McCown said both as County officials and employees and this is the way it should be. He added that he appreciates Walt Brown's help in the past on these issues and didn't discourage him from going to the RFRHA meetings, but he would see this as a citizen participate.

Commissioner Martin said Walt has been a non-elected citizen at large representing the County and he's been very helpful to me. He said he would hate to lose that assistance.

Commissioner McCown agreed he wouldn't want to discourage that participation but as far as an official representative of the county, he felt the two named in the position right now would remain primary.

Commissioner Martin said he would hope that the County could also keep Walt as the citizen advisor -- I would request that.

Chairman Smith mentioned there wasn't a category for this -- he was appointed actually in this long convoluted history but when he wasn't appointed as something else, Walt came in and said well, he wouldn't serve on any of these County Boards.

Commissioner Martin said Walt hasn't stopped attending any meetings.

Chairman Smith said she thinks this is great and as a citizen if he wants to continue to go -- fine.

Commissioner Martin said he's been representing as a citizen at large and following that same guideline.

Commissioner McCown asked what authority did Walt have in that position?

Commissioner Martin said nothing.

Don said right now his understanding of the structure of RFRHA is that the County is not a member of RFRHA. We have a County representative to comment and participate in the development of the Comprehensive Plan as it is envisions in their IGA, but he doesn't think the County plays any other legal role in the operation of RFRHA.

Commissioner McCown said so other than going and listening and feeding back information, that is the extent that anyone would have in this operation.

Mark Bean interjected that Victoria from his office has been participating in a lot of these side meetings. And on occasion actually sitting in Commissioner Martin's stead too.

Chairman Smith said and actually we did appoint by name didn't we?

Mark said it was himself and Eric McCafferty. When Eric left then Victoria came in.

Mildred commented that it has never been changed by name.

Chairman Smith said it hasn't been changed to Victoria so maybe we need to do that.

Commissioner Martin said there is direction from this Board that needs to be taken with the conference coming up and also this status of a possible purchase. We need to be able to represent the Board as this is his position. Therefore, what he is asking is to have those informational meetings here, get the Board's direction and allow Walt to also understand so he is there and can give the direction as back-up to me as well.

Commissioner McCown said he didn't recall ever appointing a citizen at large.

Don suggested something as he didn't know that there was that official status but also Walt's played active role in providing us with advise and information concerning the railroad. To the extent that John would like assistance in fulfilling his role, does the Board have any objection to Walt participating with John and providing him assistance?

Chairman Smith said her question is the County has paid some expenses in the past and is this a paid assistance or is it voluntary?

Commissioner McCown said he had no problem with it.

Commissioner Martin said it is a close relationship with Don and the entire idea so they stay together and not blind side Don and this Board in any direction. They will bring the options before the Board and the Board then makes the decision and direction and then Commissioner Martin will take it forward from there. He will keep the Board informed on any direction we are going.

Don said it would not be in an official capacity; he thinks it would be sufficient as long as there are no objections to Walt assisting John in a volunteer capacity that we would not need to take a formal position in that regard.

### ***Airport Authority - Representation***

Don said Ed felt there are some long term policy decisions that the Board need to start to look at regarding the Airport. This has been brought to a head by a request from Barry Hamilton that the County Attorney's Office undertake representation of the Airport Authority again. Don provided a very brief history saying that when he first came to the County in 1985, County Attorney's office represented both the Airport Authority and the County. There were a number of issues primarily financial issues on the table at that

time that caused a conflict in interests between that of the Airport Authority and the Board. It was at that time that Russell George stepped in and took over representation of the Airport Authority. Don mentioned that Russell did this as much as a civic duty as in obtaining additional clients. Don mentioned this for consideration in where the County is at this point. He added that Carolyn Dalghren's background includes extensive representation of the Albuquerque Airport so she has a great deal of expertise in aviation matters. With this said, Don added Carolyn does not exercise that knowledge at all presently on behalf of his office. Barry Hamilton became aware of Carolyn's background and wanted Carolyn to take over the representation of the Airport Authority. This raises a couple of issues for Don and the immediate concerns are 1) insurance and 2) the other concerning the adoption of rules and regulations for the Airport Authority. The issue of reviewing these rules and regulations is in front of the Board. Don said he still has two problem areas with representing the Airport Authority and named them as the potential for conflict of interest since the County is the property owner of the Airport and the time for Carolyn to undertake this additional job function.

#### ***Executive Session - Personnel Matters and Airport Authority***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of an Executive Session; carried.

#### ***Communication Equipment - Stored in the Basement***

Ed was directed to contact Guy Meyer and the Communication Authority regarding this equipment.

#### ***Emergency Operation Meeting - Ruedi and Rifle Dam***

Ed said the interest is global and internal. Concluded that notification needed to be improved. Better definition of roles and responsibilities and contingency plans. The determination was made to also develop a recovery process.

Chairman Smith suggested that Ed contract Steve Denny at the Department of Local Affairs - reference Instant Command for Elected Officials. She added that she felt this emergency operations should report back to Ed versus the Sheriff.

#### ***Lease - CMC Property - Gravel Pit***

Ed said he has had two inquiries to lease this property and asked the Board's direction. The Board agreed unanimously to just let the property stay as it is.

#### ***Taughenbaugh Building***

Ed mentioned that the Taughenbaugh Building is ready for a walk-through for the Board.

#### ***US Greiner - Airport Site***

Ed said the report was submitted to him.

#### ***UPL Site***

Chairman Smith requested that Ed give Walt copies of everything pertaining to these sites being considered; Mildred said she also needs copies for her files.

#### ***Jail Discussion***

Discussion occurred regarding the evaluation of the alternatives for the Jail. The Board has received a letter from City Council and were informed there would be a Special City Council Meeting Monday, November 16 prior to the noon discussion by the Board of County Commissioners.

#### ***Fairground Contracts - Silver Nickel - November 13 and 19 North Hall***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the contracts; carried.

### **JAIL DISCUSSION**

Al Maggard and Colleen Truden were present. Sheriff Dalessandri was absent due to having to direct traffic on Highway 82 due to the accidents on the slick roads.

Colleen Truden reported that they have started the preliminary plans for the Restorative Justice Program. They met with Garfield County Sheriff and City of Glenwood Springs SRO Scott Robertson, the City

Attorney and Garfield Youth Services. They will meet with the VALE Board this Wednesday morning. There is a meeting scheduled for Monday, November 16.

#### ***Community Correction Board***

Al Maggard mentioned the Community Corrections Board would be meeting on Thursday at noon at the Hotel Colorado. Currently there are two slots open and it takes 51% to make decisions.

#### ***Jail Count***

Mildred Alsdorf gave the following report as submitted: Total in Jail - 137. DOC - 5; 47 main jail; 27 Work Release; 8 females; Home Detention - 5 Work Release - 23; and 27 in other jails.

#### ***Staff Meeting - November 17 - 9:00 A.M. - Vision***

Ed mentioned the next staff meeting and said Vision was the topic of discussion.

#### ***Rural Resort - Work Force - Approve New Board Members***

The Rural Resort Work Force was submitted to Don to look at. After his review the Board will then vote on it.

#### ***Various Meeting Dates - Scheduled***

Jan 11 - A Going Away Party for Marian - 3:00 P.M.

Jan. 12 - Swearing in of newly elected officials - 9:00 A.M.

Jan. 12 - Reorganization of Board - 11:00 P.M.

Treasurer - Georgia Chamberlain will be sworn in on the day after New Year.

Mildred stated she will contact Judge Ossola.

Ed said he had already spoken to Jim Bradford.

Mildred clarified that she is generally the one to set this up.

Chairman Smith agreed that this was up to Mildred to do so; also the District Court Judge handles the swearing in ceremony.

#### **COUNTY BUSINESS - BUILDING AND PLANNING**

Mark Bean and Don DeFord were present.

#### **FROM NOVEMBER 2, 1998 - CONTINUED PUBLIC MEETING - VACATION/DEDICATION CR 162. APPLICANT: ADRIENNE CROUCH**

Mark said there was a miscommunication and she had changed contractors. The staking was missed by 30 feet.

Mark agreed that Kenny Gardner and the contractor will get together this week.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to continue this until November 16 at 10:15 A.M. under Department Heads; carried.

#### ***Building and Planning - Monthly Reports***

Mark submitted the monthly reports and stated that it is a tie with October 1996 and October 1998 as far as permits. However, the residential units are down 210 versus 234 and there are more commercial permits. The valuation is much higher both in commercial and residential than in 1986.

Mark said the pre-winter rush is going full swing. The numbers by the end of November will show an increase in activity. He identified the activity areas of Battlement Mesa, Carbondale, Rifle and Silt are the busiest areas.

#### ***Codes Enforcement Report***

Mark submitted the monthly report prepared by Steve Hackett saying he is staying busy; they went to court on one activity.

#### ***Fences - Identification of Noise Impacts***

Commissioner Martin and Chairman Smith mentioned they felt the fencing restrictions should be looked into.

Mark mentioned a follow-up with Bill Slattery, the applicant for a higher fence for his front yard than was allowed, is that C-DOT is actually going to do a fencing study. He projected a change in the fencing requirement may be forthcoming.

Discussion was held.

### ***South Canyon Certification of Designation - Follow Up***

Mark updated the Commissioners saying that Donna Stoner with the State Department of Health actually went on site with the engineers who reviewed the project. They are in agreement that it has been completed. The engineers for the South Canyon Landfill have to complete the final report. This will take about a month. Then Donna Stoner will be writing her letter basically saying they have complied. The City will take it over next Spring.

### ***Rose Ranch Preliminary Plan - Application Completion Review***

Mark reported that Victoria has an issue on the Rose Ranch Preliminary Plan. Victoria mentioned that previously Michael Erion had been retained to review the engineer component. Now we have a County Engineer and she asked the Board's direction. She added further that the applicant is being billed for the engineers time. Commissioner McCown suggested to keep Wright Water Engineering in place. The other Commissioners agreed.

### ***Independent Geotechnical***

Victoria also mentioned that the County might want to have a geotechnical engineer look at the plans. The developer will also compensate the County for mitigation expertise. She said they would continue to have the State Engineer review the plan so this would be addition. She asked for direction and suggestions. Chairman Smith suggested Larry Cerillo from Evergreen and John Rold with Wright Engineering from Denver. She also suggested Victoria contact Ricky Santarello, the Gunnison County Commissioner.

### ***208 Water Quality Issues***

Mark said he wanted to re-emphasize the water quality 208 issues. Bob Szrot just received an approval of the water quality project.

There is a meeting Thursday in Basalt - 6:30 P.M.

The Board mentioned that this was discussed earlier and Ed and Commissioner elect Walt Stowe were planning to attend.

Mark said he was also.

### **PUBLIC HEARING - AMENDMENT TO THE GARFIELD COUNTY BUILDING CODE - RESOLUTIONS TO ALLOW FOR PRIMITIVE CABINS. APPLICANT: GARFIELD COUNTY BOARD OF COMMISSIONERS**

Mark Bean, Don Owens, Art Hoagland and Don DeFord were present.

Don DeFord determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark Bean presented the following Exhibits for the Record: Exhibit A - Proof of Publication; Exhibit B - Project Information and Staff Comments with attachments; Exhibit C - Art's original proposal.

Chairman Smith admitted Exhibits A - C into the record.

Mark submitted that this is a proposed amendment to the 1994 Uniform Building code for Primitive Area Recreation Dwellings (PAR). The amendment is proposed for:

Mark explained the rationale of the Planning Commission in suggesting these proposed amendments.

Mark mentioned that these are going to be inaccessible areas for permitting review and the expense might be a factor for consideration.

Board Comments:

Commissioner McCown mentioned these amendments are very much like the shooting ranges and he sees a terrible enforcement problem. Some may be an hour in and out of the County Road. He summarized that the burden of enforcement will be a burden.

Mark said that Art Hoagland called Pitkin, LaPlata, Rio Blanco, Grand County San Miguel; most of those counties within the mountain areas. All acknowledged that cabins are being built very much like in Garfield County and some owners get caught and others overlooked.

Discussion continued.

The Board stressed their concern regarding the awareness of the location of the units for emergency purposes.

Mike Mello - 0896 County Road - Silt

Gave his opinions saying he has taken out a permit to build his remote cabin. Commented on the renewal permit every 5 years and the water system; the lack of a required heating system saying if you had to have water it would freeze without heat.

Art Hoagland said the sanitation system when put in must comply with the state regulations. This includes sufficient water and potable water as well.

**Chapter 1, Section 106.3 Item 8**

8. Applications for Primitive Area Recreational Dwellings shall, in addition, include the information required under Section 106.5.

106.5 is added and shall read as follows:

Section 106.5 - Application for a permit for a Primitive Area Recreational Dwelling (PARD)

Section 106.4 - Definitions as applied to this Section include:

Certificate of Occupancy; Fire Safety Provisions; Frost Depths, Snow Loads; Inaccessible; Permit Application; Primitive Area Recreational Dwellings; Recreational and/or Leisure Use; Renewal of Certificate of Occupancy; Sanitation System; Water System; and Additional Definitions.

Section 310.1, Group R Occupancies Defined, Division 2 is amended to read - Primitive Area Recreation Dwellings and include the following: Construction, Height and Allowable Area; Defensible Space and Maintenance of Defensible Space; Spark Arrestors; Liquefied Petroleum Gas Installations; Storage of Firewood and Combustible Materials and Additional Requirements and Restrictions.

Changes were suggested changing that a water system be required of sufficient capacity as determined by the Building Official to ensure compatibility with the sanitation system and for providing potable water for the period of time the facility is being occupied.

Mark recapped the requirements being eliminated.

Art said not doing anything puts a bigger burden on the Planning Department.

Commissioner McCown may be on the right track but not conformable with what has been presented. He suggested scheduling this on a Tuesday morning after the first of the year.

*Meeting Continued*

A motion was made by Commissioner McCown and seconded by Commissioner Martin to continue this work session until January 19, 1999; carried.

**PUBLIC HEARING: LOUGH SUBDIVISION, PRELIMINARY PLAN. PROPERTY IS LOCATED APPROXIMATELY 2 MILES SOUTH OF GLENWOOD SPRINGS OFF OF CR. 109 APPLICANT BRENT AND ROXANNE LOUGH**

John Barbee, Don DeFord, Ron Liston and Brent Lough were present.

Don DeFord determined that adequate and proper notification was in order and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

John Barbee presented the following Exhibits for the Record: Exhibit A - Returned Receipts; and Exhibit B - Certified Mail; Exhibit C - Proof of Publication; and Exhibit D - Project Information and Staff Comments

Chairman Smith admitted Exhibits A - D into the record.

This is a Preliminary Plan Review on a 6.5 acre tract of land located approximately two (2) miles south of Glenwood Springs, off of CR 109.

The parent tract of land is to be subdivided into two (2) parcels of 4.401 and 2.099 acres.

Ron Liston representing the applicant said that between the conditions of recommendations included by the Planning Commission and then the additional conditions made by John for the Board's benefit, they were in agreement with those. He requested the Board's approval.

Chairman Smith inquired as to why they were pursuing ISDS instead of hooking up to the central sewer.

Ron mentioned the reason was the distance of 1 1/2 miles to get to the sewer. He said they will tie on when sewer becomes available for Rose Ranch.

Chairman Smith requested the "wildfire condition" be included as a plat note. She also expressed concern that the soils in that area are highly compressible and the foundation must follow the engineer's recommendations.

This was *John Barbee's recommendation* prior to the discussion today:

Pursuant to the Goals, Plans and Policies as set forth and adopted in the Garfield County

Comprehensive Plan of 1994; and said Goals, Plans and Policies stated specifically in Section 7.0

Water and Sewer Service allows for subdivisions of high density development, provided that the proposal utilizes BOTH central water and central sewer service; and in this region of the county, central sewer service is located at Aspen Glen which is situated south of the subject property; and the application is proposing to use ISDS and not to link up with the Aspen Glen Sanitation District, be it recommended that the preliminary plat to be denied until centralized sewer service is provided to BOTH properties as indicated on the proposed preliminary plan.

***Planning Commission Recommendation:***

At their October 14, 1998 hearing, the Planning Commission recommended APPROVAL of the Preliminary Plan with the following conditions of approval.

The applicant shall meet all recommendations as indicated in the reports of the Colorado Geological Survey and the Department of Wildlife reports.

That the following Plat Notes be included on the Final Plat:

"One (1) dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owners property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries."

"That in the future the property described by this Final Plat has the reasonable ability to connect with any municipal or centralized sewer system, the subject property owners shall be required to connect to said service and remove any existing individual sewage disposal system(s) which may be located on said property, within one year of the effective date of service availability."

"The soils and general geologic conditions of all parcels represented on this plat pose potentially serious risks from debris flow and hydro compressibility."

If the Board chooses to APPROVE, based on the recommendation of the Planning Commission, staff recommends that the following conditions apply:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

That the applicant shall have 120 days to present a Final Plat to the Commissioners for review from the date of approval of the Preliminary Plan.

That the following plat note shall appear on the Final Exemption Plat: "Control of noxious weeds is the responsibility of the property owner." "Garfield County has a *Right to Farm and Ranch* regulation, which recognizes the important contribution agriculture makes to this County. Nuisance complaints made against customary and legal agricultural operations and practices will not be pursued."

Stephanie Ryan - 1854 County Road 109 - Teller Springs - This area is not high density. Lots were required to be a larger size. She hates to see people breaking down lots and feels it is a bad idea. Commissioner Martin mentioned this problem of soils in this area also the potential could be life threatening with debris flow.

A motion was made to close the Public Hearing by Commissioner Martin and seconded by Commissioner McCown; carried.

Chairman Smith reiterated again to follow all the conditions of Hepworth Pawlauk.

Commissioner McCown made a motion to approve the preliminary plan review with recommendation of the Planning Commission and staff and include those added today including the defensible space, the fire mitigation, the recommendations of the engineer Hepworth Pawlauk be included also the school impact fee of \$200.00 instead of the formula submitted by the School District contained within the staff report.

Commissioner Martin seconded. Motion carried.

**ROAD AND BRIDGE DISCUSSION**

King Lloyd, Don DeFord, Ed Green and Mark Bean were present.

### ***C-DOT Funding***

Ed said he had Allen look into the C-DOT funding and there is none available. It was just a rumor.

### ***Eagle Airport***

There is some money/funding available from the FAA for resurfacing the runway at the Airport. It's a \$4 million dollar job and the FAA will provide \$2.5 million of it at the Eagle Airport. There is a project in the fifth year of C-DOT's planning cycle to have a road off I-70 to the Airport -- this is a \$12 million dollar project. It will require bridges across I-70

### ***Authority Board***

Chairman Smith mentioned that Jim Foster was stepping down from the Airport Board. A letter was received.

Chairman Smith mentioned they had previously received two requests to serve.

Ed said they issued a request but was not certain if anyone had expressed an interest.

### ***Appointment to the Airport Authority Board***

Commissioner McCown made a motion to appoint both John Newton and John Sample for Airport Board these are additional members saying Jim Foster's replacement will be addressed later with new applicants. Commissioner Martin seconded. Motion carried.

### ***Road and Bridge - King's Row Subdivision - Complaint***

King mentioned he had a complaint -- a phone call from a resident of King's Row Subdivision, Mary Weaver.

King returned the call. Her concern was the plows hadn't gotten there before the school bus. The school bus had stopped and picked up children and usually goes on up the hill to get others. The School District and managers of it indicated the school bus had previously stopped and couldn't have gotten traction to get up the hill. The parents were called and brought the kids to the bus.

Mary was concerned about the school bus. King said there was no complaint ever from the area. King explained the concern. The School District said they were pleased with the Road and Bridge service. King said all the plows and sanders are not equipped as they are attempting to complete some projects. In Glenwood they are short one staff as well as Kenny underestimated the storm. King said they were converting the trucks as of this morning.

Discussion was held as to the vacancies and problems King experiences in finding Glenwood applicants. The potential of hiring in as Operator II's was mentioned; King said the vacancies are in Operator I's. King justified there are just so many Operator II's and he makes attempts to promote from within.

Ed suggested the possibility to transfer into a classification system and pay within one wide band. The employees advance for various reasons. As you add value then you accelerate through the bands.

The Board asked Ed to call and talk to Mary Weaver.

### ***Financial - Lease of Equipment***

Don said they did reach an agreement on the language of the lease. The consequence of the decision is they are owners and require insurance of \$5 million liability-only coverage.

Ed will be getting information on the insurance.

Don added the requirement of the liability insurance will be required prior to his approval. The other significant change is the opinion of counsel letter, the way their form is drafted requires Don to give them an opinion that they could rely on. This is contrary to Don's job -- he represents the Board and not them.

Therefore, they have agreed to pay the cost to retain George A. Becker, bond attorney to write them a comfort letter in regard to the status of the agreement. The terms of the lease are for 5 years at \$37,000 a month. Today Don asked for authority to execute the lease.

A motion was made by Commissioner Martin to approve the contract contingent upon what was discussed and authorizing the Chair to sign. Commissioner McCown seconded. Motion carried.

The Board asked to know the amount of the insurance and Don said he would make the inquiry and bring it back next Monday, November 16.

Ed and Don agreed that the liability insurance should come out of Road and Bridge budget.

### ***Road and Bridge - Graders Bid Comparisons and Award***

Mike McBreen presented the Grader Bid Comparisons. Discussion was held with respect to the trade-in value, the 5 year buy back and guaranteed total cost of all three: John Deere, Caterpillar and Champion submitted bids.

King recommended the 140 H Caterpillar grader.

Commissioner McCown moved to authorize the purchase of the 140 H Caterpillar for a total of \$104,326.00. Commissioner Martin seconded. Motion carried.

#### ***Road and Bridge - Loader Bid Comparison and Award***

Commissioner Martin moved to authorize the purchase of the John Deere 944H Loader for a total of \$138,852. Commissioner McCown seconded. Motion carried.

King reported that Paul Shideler does want the old bridge and plans to relocate it some day.

#### ***Mamm Creek - Update***

King spoke to Marvel Couey and she is real happy with the cut of the road. The fence problems are being fixed and King has received no complaints.

John Sample commented that Mamm Creek is a real nice road since the reconstruction.

King mentioned that Bogue worked real well.

#### ***Replacement of Equipment***

King said the plan is to purchase everything except one motor grader and still get all the trailers. This will allow them to be \$5 - \$8 thousand under the limit. One motor grader was eliminated.

#### ***Mamm Creek - Old Truss Bridge***

King mentioned in respect to the bridge and Jim Snyder had indicated he was interested it; however Paul decided to keep it. King said for the sake of not causing any problems he thought he would send a letter to Jim Snyder letting him know that Paul wanted the bridge. He said he would generate a letter to Jim saying the County is trying to make the necessary improvements on Mamm Creek exchanged some right-of-way as well as the old bridge in compensation for that additional right-of-way with Paul Shideler.

#### **PUBLIC HEARING: PRELIMINARY PLAN - ST. FINNBAR SUBDIVISION LOCATED APPROXIMATELY 3 MILES EAST OF CARBONDALE OFF OF COUNTY ROAD 100. APPLICANT: ST. FINNBAR LAND COMPANY**

Mark Bean, Don DeFord and Ron Liston of Design Partnerships were present.

Don DeFord determined that notification was in order and the Board could proceed.

Ron Listen submitted a letter of request to have this matter extended for at least 60 days.

Don asked that the time frame be waived through November 16.

Ron Liston agreed.

Mark submitted the following exhibit: Exhibit F - The letter of request from Ron Liston.

Commissioner Martin and seconded by Commissioner McCown to continue to the first of February and a final decision would be made at that time.

Discussion:

Don requested an additional 15 days for the Board to decide. Ron Liston agreed with this request.

Motion carried.

#### ***Resolution - Garfield County Investment Policy***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a Resolution Amending Resolution No 91-48 adopting a Garfield County Investment Policy; carried.

#### ***Resolution - Garfield County - Participating in Financial Investors Trust***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a Resolution concerned with authorizing Garfield County to join with other public entities as a participant in Financial Investors Trust; carried.

#### ***Building and Planning***

Mark mentioned that Charles Griffin is requesting an Assessor Dwelling on a piece of property located in the properties just south of Griffin Lane and CR 233.

The Board agreed to set this for a Public Hearing.

#### ***Rural Resort Regional Work Force Board***

Chairman Smith mentioned the Regional Work Force did appoint Board members from each County. She said they have two names -- Michael Wasner from Catholic Charities and Bruce Christensen from Mountain Valley Development Center.

This was executive privilege.

Chairman Smith recommended approval of Michael Wasner representing Catholic Charities.

Commissioner McCown seconded. Motion Carried.

**PUBLIC HEARING FOR A SPECIAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT LOCATED OFF OF COUNTY ROAD 216, NORTH OF SILT APPLICANT: PATRICK AND JACKIE KNEEDLER**

John Barbee, Don DeFord, Patrick and Jackie Kneedler were present.

Don DeFord determined that adequate and timely notification was made and advised the Board they were entitled to proceed.

Commissioner Martin informed the applicants the problem and how this could be challenged.

Chairman Smith swore in the speakers.

John Barbee presented the following exhibits for the record: Exhibit A - Returned Receipts; Exhibit B - Proof of Publication; and Exhibit C - Project Report and Staff Comments

This is a special use permit to allow placement of an accessory dwelling unit on a 4.519 acre tract of land located approximately 2 miles west of Silt.

The proposed accessory dwelling unit would be 1,280 square feet detached from the existing primary dwelling consisting of 2,108 square feet. The parcel will use an existing well. Access will be directly off of CR 216.

The Commissioners held discussion.

Don DeFord mentioned that a Special Use Permit for an Accessory Dwelling and noted that these applicants as well as others continue to get letters from West Divide indicating that their having difficulties with the federal government on both Ruedi and Green Mountain and they will not assure availability of water under their contracts. It does make Don wonder what the contracts are worth if they can't guarantee water. He felt the Board should be aware of this for the future.

***Recommendation***

Staff recommends APPROVAL with the following conditions of approval:

That all representations of the applicant, either within the application of stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A building permit be approved prior to any regulated construction of the accessory dwelling unit.

That the applicant, and any future property owners of said property agree to, as a condition of future continued approval of the special use permit, that if, in the future event that the property described by this special use permit, has the reasonable ability to connect with any municipal or centralized water and/or sewer system, the subject property owners shall be required to connect to said service and remove any existing well head(s) and individual sewage disposal system(s) which may be located on said property, within one year of the effective date of service availability."

A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Martin to approve a special use permit for placement of to allow placement of an accessory dwelling unit for Patrick and Jackie Kneedler as outlined in the staff's comments and three recommendations.

Commissioner McCown inquired as to why the limit of one dog was eliminated.

John said because there was no plat associated with the placement in an exemption plat which would include that as the building permitting conditions.

Don added that the Board never adopted these regulations in Special Use Permit.

Commissioner McCown seconded; carried.

***Direction of the Board - Special Use Permits***

Chairman Smith suggested taking steps to make it a regulation.

Don mentioned these have been brought up before and they haven't passed. There have been objection because the County has purported to apply them County-wide and parts of the County do not want to comply with them.

Chairman Smith said she has a real concern about the wildfire provisions.

**PUBLIC HEARING: DAVID RIPPY CONSTRUCTION REQUESTS A SPECIAL USE PERMIT TO ALLOW REMOVAL OF MATERIAL FROM A FLOOD PLAIN. PROPERTY IS LOCATED ON THE SOUTH SIDE OF CATTLE CREEK, EAST OF HWY. 82 CROSSING, ALSO KNOWN AS PARCELS B & C, MIDLAND EXEMPTION, SOUTH SIDE**

John Barbee, David Rippey and Joe Hope of High Country Engineering.

John Barbee determined that adequate and proper notification was in order.

The Commissioners determined they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark Bean presented the following Exhibits for the Record: Exhibit A - Returned Receipts; Exhibit B Proof of Publication; and Exhibit C - Project Information and Staff Comments

Chairman Smith admitted Exhibits A - C into the record.

This is a request for review of a Floodplain Special Use Permit to allow removal of materials from a floodway for the South side of Cattle Creek immediately upstream from the Hwy.. 82 crossing, south of Funland.

The area for the proposed excavation is located on the valley floor, east of Hwy..82. Approximately 25-35,000 yards of material is expected to be removed. The area to be excavated will not affect the floodway as the floodway and floodplain boundaries are determined by the elevation of the Hwy.. 82 culvert. The removed material area may slightly increase the volume of water stored in the drainage way, but should not increase the flooding potential and may actually increase the effectiveness of the storm water storage area.

***Recommendation***

Staff recommends APPROVAL with the following conditions of approval:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

All construction shall be in compliance with the application as submitted.

Prior to mobilization and/or excavation, the applicant shall obtain approval of all proposed access to County Roads from the Garfield County Road and Bridge Department including appropriate notification of the public as may be necessary for road closures or other activities are required.

Prior to mobilization and/or excavation, the applicant or the applicant's contractor(s) shall obtain overweight vehicle permits (if applicable) from the Garfield County Road and Bridge Department.

The applicant shall mitigate possible erosion and silting of the Hwy.. 82 culvert using silt fencing.

Provide staff a detailed Wetlands Mapping overlay their existing mapping to ensure that the Wetland isn't being impacted by this fill removal.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the public hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the request of a Floodplain Special Use Permit to allow removal of material from a floodway with the attached recommendations of staff also to place a contingency on the review of the proposal across the road insuring there is no conflict and a detailed Wetlands as added as condition No. 6. Commissioner Martin seconded the motion; carried.

**CONTINUED ISSUANCE OF PRIVATE ACTIVITY BOND ON BEHALF OF ASPEN EDUCATION RESEARCH FOUNDATION**

Jim Anderson with Investment Capital presented the requested letter regarding the relationship between the Roaring Fork School District from the Carbondale Community School. Superintendent of Schools Fred A. Wall's letter indicated the relationship was positive and there is no reason to think that the Charter School will not remain in good standing with the District as long as the agreement is followed.

The source of revenue the school receives is 85% of the school districts funds an additionally any fund-raising activity that the school might enter into. The security for the debt is the pledge of that source of funds and first mortgage on the facility itself and general obligation foundation which is a not-for-profit Colorado Corporation. This Corporation has a sizable balance sheet which it will pledge to the payment of bonds as a general pledge.

Eagle and Pitkin County School District are where the majority of students come from, however, they do accept enrollment from all over the State.

Jim added that the State of Colorado Education and Cost for Rural Facilities Authority will issue the debt if the County does not. The reason the Foundation is reluctant to use this source is due to the fees of \$25,000 and counsel expense.

Chairman Smith not real pleased with Industrial Revenue Funds.

Commissioner Martin made a motion to go ahead and support and move forward with the hearing.

Commissioner McCown with all costs being paid by the School.

Commissioner McCown seconded the motion for discussion purposes and asked Don if this opens up the possibility of other entities doing the same thing?

Don said this is not a new procedure but it hasn't been used recently and yes it possibly could

Vote on the motion.

Martin - yes; Smith - no; McCown - no. Motion died.

**PUBLIC HEARING: FOR A REVIEW OF A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A NATURAL GAS PIPELINE INTERCONNECT. THE PIPELINE WOULD COVER 600' EAST OF CR 204, SOUTH OF LOGAN WASH. APPLICANT: ROCKY MOUNTAIN NATURAL GAS COMPANY**

John Barbee and James L. Krohe were present.

John Barbee determined that adequate and proper notification was in order.

The Commissioners determined they were entitled to proceed.

Chairman Smith swore in the speakers.

John Barbee presented the following Exhibits for the Record: Exhibit A - Returned Receipts; Exhibit B - Proof of Publication; and Exhibit C - Project Information and Staff Comments.

Chairman Smith admitted Exhibits A - C into the record.

This is a request for review of a Conditional Use Permit to allow construction of a natural gas pipeline interconnect. The pipeline would cover 600 feet and the access is from existing public and private roads. The subject property is classified as unclassified lands in the 1984 Garfield County Comprehensive Plan. The pipeline will be constructed by KN Energy connecting an existing RMNGC 8" line and the Trans Colorado 22" line. Two 50 x100' pump station facilities are proposed at either end of the proposed line. Utility service will be provided by Grand Valley Power.

***Recommendation:***

Staff recommends APPROVAL, with the following conditions of approval:

That all representations of the applicant, within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

All construction shall be in compliance with the application as submitted.

Prior to mobilization and/or construction, the applicant shall obtain approval of all proposed crossings of County Roads from the Garfield County Road and Bridge Department including appropriate notification of the public as may be necessary for road closures or other activities as required.

Prior to mobilization and/or construction, the applicant or the applicant's contractor(s) shall obtain overweight vehicle permits (if applicable) from the Garfield County Road and Bridge Department.

The applicant shall provide a pre-mobilization and/or construction survey, listing existing road and pipeline alignment conditions of the Garfield County Building and Planning and Road and Bridge Departments.

The applicant shall obtain all licenses as may be required for vehicles used by the applicant and the applicant's contractor(s) from the Garfield County Clerk and Recorder.

The applicant shall abide by all stipulations as indicated in BLM document COC-62454.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner Martin and seconded by Commissioners McCown to approve a request for a Conditional Use Permit to allow construction of a natural gas pipeline interconnect for Rocky Mountain Natural Gas Company with recommendations from staff and BLM recommendations; carried.

**GARFIELD COUNTY HOUSING AUTHORITY - AFFORDABLE HOUSING PROGRAM.**

Mark Bean, Calvin Lee, Tom Beard, George Hanlon and Tim Thulson were present.

Tom Beard was the spokesperson representing the Board of Directors from the Housing Authority.

A lengthy discussion was held and Tom and Tim who both serve on the Sub-Committee provided pertinent information. He stated there are a lot of different answers out there to solve the problem of providing affordable housing for those who live and work in Garfield County. This Sub-Committee is comprised of a study group authorized by the Housing Authority. The group of individuals on the subcommittee are either involved in the housing issues and/or they are interested citizens.

Tom stated an informal survey of 33 local businesses was conducted by the committee. They found that 65 to 70 percent of employers say hiring and keeping employees is a major problem because wages cannot meet living expenses. He added that deed restrictions are a vital tool for maintaining an affordable housing supply. The survey also indicated that 50% of the employees in Garfield County make \$10 or less per hour and the median income is \$43,200 annually.

Commissioner Martin commented that it is not a good thing to deny individuals to make a profit on their investments; they need to have the money to step up to better housing.

Tom mentioned the affordable housing program would possibly be mandating the requirement that in order to qualify a person must live and work in the County.

The regulations drafted by the Roaring Crystal Alliance will be reviewed by the County Planning and Zoning Commission at their meeting to be held on November 16.

Mark Gould - 0040 Mark Lane - mentioned he felt density should be where the density in theory is supposed to be. The idea is if we can create an incentive for someone to come in and create these places where affordable housing could be placed, then the density could be controlled. Private sector will solve the problem if there's the ability to do so. He included transfer rights and deed restrictions in his comments. Deed restrictions mainly is the fact that this is subsidized.

If the house is built and it is only worth \$120,000 then don't deed restrict; but if the house is worth \$150,000 and you make them sell it for \$120,000 then it does need to be deed restricted.

Calvin Lee - mentioned that the proposal language is flexibility. Anyone who lives or works here should be eligible; those being recruited and offered a job should also have access to this flexible market. On the issue of deed restrictions, Calvin suggested a 3 to 5 percent cap in appreciation. He said they were discussing a maximum down payment of \$7500 down.

Commissioner McCown questioned how to prioritize those that would qualify; would it be a lottery system? He also felt the need for several solutions but to begin with small steps with core development near where there is infrastructure in place. He recognizes this is a sincere problem for the county and the issues needs to be solved. He also stated that there is political will to put the regulations in place and thanked the committee for all their hard work thus far.

Tom reassured the Commissioners that the Housing Authority is ready to take the lead in this.

Tom added that direction is needed and does the Board want them to continue the work with the staff who is now considering an ordinance and work with them on it. The Sub-Committee of the Housing Authority is willing to do this. He said that Don raised issues such as rational nexus, the requirements and how they're generated along with the impacts.

Mark mentioned that Monday, November 16 the Planning Commission would be considering the Ordinance at 7:00 P.M.

Jody Schoeberlien reiterated why we should care about the need for affordable housing. The impact on the employment community was driven home for them when their community development corporation was sitting down with presidents of Glenwood and Carbondale, Alpine Bank and talking about how to deal with this issue. The issues goes beyond getting and keeping employees but it has to do with the range of responsibilities. If your employees are living 40 miles away, if there is a problem with your child in school, medical condition that needs to be dealt with, they lose the employee for the entire day.

Commissioner McCown mentioned that the land cost is the single largest problem.

He suggested asking the Forest Service, the Division of Wildlife and BLM to get involved.

The Commissioners encouraged the Sub-Committee to continue working on the options and once there were regulations in place the developer knows exactly what's required of them, they will come in with a proposal. The regulations have to allow for flexibility.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn the meeting; carried.

***Adjourn - 5:23 P.M.***

Attest:

Chairman of the Board

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**NOVEMBER 16, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, November 16, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green; Assistant County Administrator Allen Sartin and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

**COUNTY ADMINISTRATOR**

Ed Green gave his report before the Board that included an update on the status of the insurance on the Road and Bridge Equipment - Lease; King and Ed reviewed the specifications and drawings from Schmueser Gordon Meyer (SGM) on County Road 109 with respect to drainage and the soil wall construction - this is going to be reevaluated; on the Mamm Creek contract format, he and King spent a lot of time on lessons learned and there is a particular concern that the deletion of provisions which weakened the County's position regarding quality control remedies; and they also discussed different approaches as far as evaluation of prospective contractors including pre-qualification and options as far as evaluation criteria. SGM will look at their contract models and present one for review. Once Ed receives this, he wants to have a complete table top review of the document.

Dale presented for the record the electronic fund transfer in the amount of \$104,652.00 that the County received a check from the Department of Local Affairs on the Battlement Mesa Assisted Living Project. Once the public record has been made, the Treasurer can make the transfer to the Senior Options Program. This is permanent tap fees for water and sewer plus construction home interest.

A motion was made to accept this into the record by Commissioner McCown and seconded by Commissioner Martin; carried.

***Assistant County Administrator***

Al Sartin reported that he had attended the Airport Authority Board Meeting and they want to present their budget before the Commissioners. They asked if the Board could come to the Airport and combine a tour along with the budget hearing.

Commissioner McCown mentioned this would need to be done separately as the budget would need to be done in a public meeting.

***Letter of Support - Rio Blanco - Energy Impact Grant***

Commissioner McCown mentioned that Commissioner Don Davis of Rio Blanco had requested a letter of support for the Energy Impact Grant to do upgrading on County Road 5 -- Piceance Creek.

Commissioner McCown made a motion to send a letter to the Department of Local Affairs -- Energy Impact Grant for Rio Blanco with regard to their project on Piceance Creek.

Commissioner Martin seconded the motion.

Discussion - Chairman Smith said she has driven the road and was in favor of supporting the grant. Motion carried.

***East Mesa - Carbondale***

Mark Chain and David Rippe were present for the discussion.

Commissioner Martin mentioned that Mr. Chain and Mr. Rippe are here to get some input on East Mesa. The County is involved in a lawsuit that has been dismissed and asked if the Board had any direction or any kind of idea where Garfield County is going on this issue. He asked if the Board wanted to go ahead with the appraisal or leave this in the hands of the attorney's. At any rate, these gentlemen are here today to express their point of view and direction that Carbondale is going to take.

***Direction of Carbondale***

Commissioner Martin mentioned he had been in contact with these gentlemen as well as Don DeFord but no decision has been made on the direction. The possibilities have been explored.

David Rippe, 444 Euclid, Carbondale and member of the Town Council said they both agree to get the appraisal done. They did indeed give the appraisal and wondered what the next step is and thought it would be good to have a dialogue with the Commissioners on this topic.

Commissioner Martin said when he talked to Don, he said he would supply this appraisal to all three Commissioners. This was previously deliberately kept from the Commissioners. Commissioner Martin said Don DeFord was the only one with a copy of that appraisal so far.

David said the lawsuit has been dismissed which is good. It could potentially reappear at any time.

Chairman Smith stated it was dismissed without prejudice. She added that there is a condemnation taking place in the legal notices.

David added there are two condemnation lawsuits -- one declared White Hill Road and the grant which goes by John Nieslanik's house and barn, a public road. There is another one also to condemn access across Paul's property. The second one is being held up until it is determined that the first one will be successful or not. The issue is whether this is a public road.

The other comment in the report is that the Aspen Valley Land Trust has received a Smart Growth Grant and they are trying to work with the ranchers to basically put together a compact about what kind of development to show the people at the other two subdivisions that they are not necessarily going to go and try to have 1,000 units. There is a similar compact up around Steamboat, Routt County called the Up Elk River Compact. Mediation is on hold at the present. David added they are going forward in terms of having the ranchers looking at 'limited development options.' This is also to inform the general public as to what that means. He added that David Michaelson of Rock Creek Studios has had dialogue with the ranchers up there and they indicated they would consider some limited development in that area. It seems as though if it isn't a combination in its entirety, then it could possibly be a reconfiguration of the lots particularly TeKeKi because they are nonconforming lots. Some agreement on an access and also it would have to be agreeable with all ranchers.

Don DeFord joined the discussion.

Commissioner Martin provided Don a brief overview of the discussion thus far.

David Rippe continued saying that the ranchers have indicated to them that they are just awaiting Carbondale and the County's opinion and direction on this. There is a state of flux. Some ranchers have endured so many thousands of dollars in legal fees. They are quite fed up with this and David said Carbondale is real optimistic about the offset of the CDR's mediation process only to be dissolved again with the lawsuit and the termination of that and everything going down the drain again. They are at a point, and this is in our ball park, eventually they are about ready to give up and possibly sell large portions of land created a bigger development problem than we do now upon the Mesa which directly impacts Carbondale and is their ultimate concern as well as seeing what the ranches are dealt with fairly.

Commissioner Martin expressed that this messes up their master plan as well.

David Rippe said that David Michaelson has been addressing this with the possibility of some limited growth. It presents some problems with respect to the impacts to Carbondale and access. If they are successful in condemning the White Hill Road through Nieslaniks, that means all development traffic would occur right down into the base of Carbondale which would be unacceptable. He added there are two lawsuits - one is trying to get access through White Hill and if that's successful and Prince Creek is not then that would be the only access to that property and that's heavily traveled already.

Mark Chain mentioned the master plan is not going through the public process yet. The growth area for the next 5 - 10 years is directed toward the Prince Creek area, a continuation of the Ranch etc. He added that Mr. Considine has counter sued the last lawsuit for sanctions and requested to have it released with prejudice.

Don DeFord said this was actually set for hearing on the 18 or 19th of November.

David said that any sizable development would have to have two access. This would be an uphill battle to try to secure both accesses due to the fact that the two entities - Nieslaniks and the Considines have quite a bit of staying power. The likelihood of granting two accesses through legal action is remote -- this leads us back to the same problem. There is the 3rd alternative which is the Catherine's Store access which doesn't meet any regulations right now and would be very expensive.

Commissioner Martin mentioned the problem associated in getting a public crossing of the rails. It is a private easement now. Also the grade of the road, the width of the road -- all this is unacceptable to the County.

Mark Chain mentioned that a lot of these developers are without, the infrastructure to develop roads to their property would an enormous amount of money. The road they are suing for is relatively good up to the

Nieslaniks but then it's just a tractor road from that point on. This would cost hundreds of thousands of dollars to just get a primitive road. Plus dealing with water and sewer, the property's owners do not realize the impacts they are facing. The County will need to deal with this as well.

Chairman Smith said that everyone needed the appraisal and that it was something that needed to be done. Commissioner Martin wants to review the appraisal, discuss it and bring it back even having a workshop with Carbondale to set up the options involving Don and Mark and explore if there is anything that can be done.

Chairman Smith said she would like to avoid being sued again.

David Rippe wants to stay on it and continue to work toward solving.

Dave Michaelson has had limited discussion and he would come to the workshop.

Discussion on the workshop.

A meeting date was set for an evening workshop - December 16th - 7 P.M. in Carbondale.

Don will distribute the appraisal to the Board and Commissioner elect Walt Stowe. He stressed that under the Open Records Act that this is not a public document and it should remain that way.

### **AMENDMENT TO 1998 BUDGET APPROPRIATIONS**

Allen Sartin reported that he had met with the Airport Authority regarding their budget. The Authority had requested to meet with the Commissioners at the Airport so they could see the runway and the current improvements.

The budget will need to be handled in a public meeting; December 7 was scheduled. A tour of the Airport facilities will be scheduled later.

#### ***1998 Budget Appropriations***

Allen Sartin handed out the budget appropriations for 1998. He added that the supplemental budget was taken from the revised budget documents submitted by the department heads.

The Conservation Trust was increased from \$216,000 to \$300,000 and goes toward the Fairgrounds Arena.

#### ***Resolution - Amending***

A motion was made to approve the 1998 budget appropriations by Commissioner McCown and seconded by Commissioner Martin; carried.

#### ***Direction for Proposed Budget***

Commissioner McCown made a motion to approve one position requested by the Clerk & Recorder, Assessor and Planning Departments. Commissioner Martin seconded; motion carried.

#### ***Tour of Airport Facilities and Taughenbaugh Building***

Ed was asked to set up a tour of both facilities for the Board.

### **PAYMENT OF BILLS**

Barbara Brown presented the bills for review, discussion and approval.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the bills as presented; carried.

### **JAIL DISCUSSION**

Sheriff Tom Dalessandri, Dale Hancock, Don DeFord, Al Maggard

Total in jail: 137. 42 main jail; 30 Work Release; 9 females; 5 Home Detention; no Day Reporting; 22 Workenders; 1 State Hospital; 28 other jails and 6 are DOC.

#### ***Reports - Jail Site***

Al Maggard said the *Jail Advisory Board* had drafted a letter to be presented to the Commissioners.

Chairman Smith asked Al to read it into the record.

"Figures recently released estimate it would cost about \$2.6 million more to build a detention facility in Rifle than it would in Glenwood Springs. Conservative estimates also indicate it would cost at least \$500,000 per year for prisoner transport and additional operational costs to have the jail in Rifle and a holding facility in Glenwood Springs. No figures have been produced that indicate what financial impact would be on other county agencies such as Human Services, District Attorney, County Court, and etc

In view of the above cost figures and considering recent indication of softening of opposition on the part of some City Council members, the Jail Advisory Board strongly urges the Commissioners to expend the funds necessary to run the UPL Jail Plans through the City process again.

The cost of submitting the plans to the City are minuscule when compared to additional costs projected for a Rifle jail site. Construction time lines could easily be adjusted so construction on either site could commence next Spring.

It is hoped that the Commissioners, unlike some City Council Members, can put aside personal animosities and emotion prejudice and vote what is best for the County in the long run."

Commissioner Martin - reiterated the taxpayers should be the number one priority.

Chairman Smith commented that the number in the audience was possibly due to the articles that appeared in the Newspapers this week talking about one more site that's just been introduced. The City was meeting this morning and this Board does not have any idea what the proposal really is other than what is read in the papers. She acknowledged receipt of a letter from Bob Zanella. Sam Skramstad has been working with the Board very closely trying to come up with a solution and his proposal was to be the UPL site.

Don Click - Glenwood Springs - said the jail is new issue for him. He said he was concerned with Rifle site and the talk of moving the jail to Rifle; the \$2.6 million extra in costs to develop the land especially. Chief Terry Wilson and Sheriff Tom Dalessandri talk about the safety issue and he sees it more of a safety issue in transporting prisoners to the grade school than in actually building the jail in downtown Glenwood. He also voiced his concern that City Council has not chosen to work on this. There has been several working behind the scenes that have been active and involved in the last couple of weeks in trying to bring this issue to a head. He was confident that the proposal the Board would receive today would hopefully be acceptable and the City is more than willing to work on this. There is a lot of people that are just peeved about the whole deal and if it has to be then maybe it's time for them to recall the City fathers and put people in there that can work together. He encouraged the Commissioners to work with these people and keep the jail in Glenwood Springs. He reiterated that when everyone in Law Enforcement tells us that Glenwood is the best place, he was confident that the Commissioners would look at this and also look at the cost issue and certainly spent the taxpayers money wisely.

Tracy Houck - the School District took a stand against the UPL Site since it was adjacent to the elementary school. However, the new proposal of Bob Zanella does not have the same effect on the school and therefore could support this concept. She urged the Board to consider it.

Larry Green - 354 Diamond Ranch Road - reiterate what Don and Tracy has said. The jail is a sensitive issue for people both in Glenwood Springs and Garfield County. He said he supports the new proposed site by City Council because it seems that Glenwood Springs is realizing their obstinacy in the past might not have been the best position for everybody in the County. He added that he can understand the Board's position to look for other sites and continuously running into the brick wall with the City in the past would have been extremely frustrating. However, at this point and time, this issue is significant enough to the county and perhaps there is an avenue to bring us back from the brink of making a decision which is the long run will prove not to be in the best for the citizens of Garfield County. He commented that there seems to be enough merit to look at this new proposal one last time and asked the Board not to make an irrevocable decision today until they see what the City has to offer. He also encouraged them to give it a fair assessment and based upon that, move forward with a decision that is in the best interest of the County as a whole.

Larry Valesquez - 158 Columbine - Battlement Mesa - said he has not been active in placement of the jail but as it comes to a head, having been involved at the onset, he has a greatly renewed interest. In reading the newspapers and following trauma the Board has been through, he commented that the remodel of Courthouse that went through in the early to mid-80' there was a lot of thought, time, money and planning of Courthouse that included a tunnel from UPL property to a secure elevator to the jail. At that time the County was going through the Ted Bundy trauma and when the Commissioners would meet and see Ted Bundy exercising his rights speaking on the pay telephone while deputies were there, there was a lot of concern about what was going to happen. The Commissioners spent a lot of time hoping and planning that it would be a secure thing. He added that he understands how the Commissioners have had to look at the alternative sites in Rifle, but he again stressed with the expenditures of transporting prisoners and the future things, felt it really makes a lot of sense to him to keep the jail in Glenwood. In putting all the pieces of the puzzle together with the added ground for expansion for a jail in the future, he felt the new proposal deserves a lot merit. He strongly urged the Commissioners to give the new proposal full consideration and keeping the jail in the Glenwood Springs area. He commended the Board on a job well done.

Bill Grant from Rifle City Council, but speaking personally said that he has done quite a bit of studying on this issue and found that the data in the news media is very questionable. The attainment of the data, the background in which it was obtained, the total cost is not accurate.

He based his comments on what is known and that is the courts and jails will be increasing - nationally. The population is not something in the future, he felt it was here already. He supports the jail moving to Rifle and said the county could benefit by a site out by the Airport to expand. If the jail is to be left in Glenwood, then read about the traffic, parking, rail corridors, transit up and down the valley because these are concerns. If the courts and services are going to increase, then so is the traffic increases and these have not been addressed. The parking problems in Glenwood has not been addressed either. Glenwood Springs is in a valley and there is no place to expand. Decisions of Glenwood Springs City Council made in the last few hours compared to the ones made in the past 18 years, cause him to wonder how they can make a decision in the last few months. He summarized that he would suggest the County sell the UPL site in Glenwood and utilize those funds to build the jail in Rifle.

Mike Silva said he would like to appeal to the Board in a different avenue. His experience has been in Southern California as a highway patrolman and all the jail facilities are near the Courthouse. This made it easier for transportation of prisoners. He has talked to Tom Dalessandri at Rotary meetings and has expressed his comments that it doesn't make good sense for our officers to basically spend 10 - 15 - 18 miles transportation time to get to a location and keep them off the road. As far as the City is concerned he has been at odds before from a business standpoint and would like to give them every opportunity but we are at the time to cut bait. It is important to give the City one more opportunity to try to bring this is a conclusion. From a practical standpoint, it is very important to look at from law enforcement in Glenwood Springs.

Doug Britten - 464 North Traver Trail has been a resident of the County for 20 plus years. He has been in front of the Commissioners over the jail issue before. It is very frustrating over the years but over the past few days after Bob Zanella, according to the newspapers, came up with this idea, he has seen a cross section of the community pull together and people who never go along about a thing, have formed a basis that they feel that they feel they can unite and agree on this issue. You don't build a garage 30 miles from the house. All three of the Commissioners are considered to be fiscal conservatives but if the jail is placed 30 miles away from the Courthouse, that's going to be the biggest waste of taxpayers funds that they could ever do. This will probably be one of the most important decisions they will make as County Commissioners because the jail will last for years. The waste of going back and forth and putting the garage 30 miles from the house is absolutely nuts. Doug added that he would put a feather in Marian's cap because she was there when the County bought the UPL property and power to her that's been wonderful to have that land. The time has come to bite the bullet and agree with the Town Council that we swap because this parcel is perfect -- it has buildings on it that the County can use and it's the golden egg -- the perfect answer. He urged the Board to please vote for this jail to stay in Glenwood Springs.

Sam Skramstad, Mayor of Glenwood Springs presented the Resolution that the City Council drafted this morning. He said he has tried to garner support to be site specific for the UPL property but was unable to muster the support he needed for it. Councilman Zanella has come up with a proposal which he read into the record. Sam apologized for the 11th hour presentation but the City of Glenwood Springs met in a special meeting this morning and would like to unanimously propose the following as a way to address the concerns that have previously expressed by the citizens and City Council. "The City trades our MOC site to the County for the UPL site -- this can be done through a 20 year lease with 5 year roll over clauses for each party or vote to trade properties. The timing for both is such that it may not be able to execute within the County's time-frame therefore lease agreements seem to be the best choice to begin with but a vote shall be scheduled within a mutually agreed upon time frame. No. 1. that the City by June 1st have an acceptable piece of property to be turned over to the County to start immediate construction of the jail.

This will include an environmental statement that gives this piece of property a clean environmental phase one impact analysis. This also means that all buildings on this property will be cleared by June 1st date. We have talked with staff and although we have to scramble to find a new temporary location for our operations until we are able to build on Chatfield property. The staff has assured us because of the needs of the property, we will find housing and be able to meet our deadlines. We further propose that we instruct our staff to initiate a hearing before the City's Planning and Zoning Commission to modify the I1 Zone District which the MOC is in to include the Criminal Justice Facility as a permitted use. We do not want to circumvent any procedures or processes in having this looked at for rezoning but we believe that having a Criminal Justice Facility in our I1 zone does not hurt the City in any of its future plans. Through the

process we would be able to have the zoning on this property changed late January or early February and the City also proposes that during the planning and design phase of the jail that the MOC transportation issues including rail and by-pass would be considered and addressed. This whole proposal has been made possible by the vote of the citizens that gave us the opportunity to move the operation center thus making property available for a jail and UPL property possible for a new City Complex. We feel this is a win-win proposition for the City and County and most importantly for all of the citizens of Garfield County." Sam further said it was signed by the six councilors in attendance. The one positive thing about this proposal the City Council would like the Commissioners to consider at this late hour is that the fact that it has 100% endorsement by the Council and City staff and he can almost guarantee a vast majority of the City's constituents.

In response to Chairman Smith's question regarding the Environmental Assessment, Phase I is in the process. Sam said the City pulled the gasoline tanks from the property. This report should be available with the next 3 - 4 weeks.

Chairman Smith also asked how long it would take to do a Phase II?

Sam said it depends upon the move by this Board today.

Commissioner Martin inquired about the large brick building?

Sam said this property would be included in the trade but it would require an agreement where it would stay for the present as it is the heart and soul of the City's sewer system. Sam estimated this could be as long as 10 years down the road. However, Sam clarified that the buildable portion is 1.2 acres.

Commissioner Martin inquired about the set backs as 7th would be severed at the bridge leaving the mortuary open and the bridge removed in the grand scheme of things. Therefore were there perceived problems with the access, setbacks and right-of-ways with the railroad? And what is the actual buildable envelope of that piece of land? Is there a survey completed?

Sam responded that none of this information was available as they speak but discussion has taken place that would indicate that parcel would get larger if that portion of 7th street was abandoned.

Sam proposed a joint workshop to work out the details.

Chairman Smith commented that the noon hour today was set aside for discussion by the Commissioners on the location of the jail.

Sam mentioned that Greg Jueng is ill but they discussed his position but no vote thus far.

It would require a vote of the people in order to transfer the property and Sam said they would entertain a special election. That is the justification for the lease proposal so it would not delay any of the time-frames.

Bob Zanella made a comment in regard to the EPA study saying the City would have to do that anyway if they put City Hall there and the City would be willing to correct anything prior to June 1, 1999 when they would be turning the land over to the County.

Sam finalized the proposal by saying the City Council wanted to get this to the Commissioners in time for their noon discussion today.

#### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Mark Chain, Town of Carbondale spoke on the pedestrian/bike path on the entire length of Hwy.. 133 that the Town of Carbondale is planning to construct with the time frame of the year 2000 to have it completed from Main Street to the Roaring Fork Bridge. The City has applied to C-DOT for funds. C-DOT indicated that it would be great if Garfield County gave a letter of support, therefore he was asking for that today.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to write a letter of support to C-DOT for the pedestrian/bike path as presented; carried.

Irene Connor - 1013 Parkwest Drive said she was not involved at all in the jail until recently when her husband's mother was murdered in town. Now, she understands the number of outstanding warrants not enforced due to the space limitations in the jail. She specifically encouraged the Commissioners to build the jail next to the Courthouse and do so as quickly as possible. She is far more concerned about the safety in the City from those walking around with these outstanding warrants that she ever would be for the state of the art jail. She felt the school kids needed to see the jail and tour it and added that it may help them in their decision making.

Additionally she encouraged the Commissioners to be the ones whose legacy would be that they solved this jail issue. She asked that they built the jail in Glenwood, close to the Courthouse and quickly.

Mark Gould - 0041 Oak Lane - commented that there was somewhere around 60 business people here today that support the idea that we make sure as the jail is built that it be done effectively and with the

taxpayer in mind. The proposal that's on the table that City Hall has come up essentially keeps the budget in mind, keeps the taxpayers in mind and saves the dollars for transportation costs not only Garfield County's transportation costs but Glenwood and Carbondale's transportation costs. In addition there is no extra site work costs. Spending taxpayer's dollars on site work is not in the best interest of the taxpayer's dollars. The MOC site -- all the problems have been taken away. The June 1 deadlines allows the Commissioners to go to the architects now and have a contractor on hand and ready to build by June 1. He encouraged the Board to consider the MOC Site.

### ***Guard Rail - County Road 112***

Mary Stevens and Debbie Wycott of CR 112 - Cattle Creek and CR 103 have spoken with King Lloyd and got a petition for CR 112 to put a guard rail up. The hairpin curve is the main concern. King suggested the group comes before the Board - petition given to King Lloyd. Chairman Smith commented that the school bus does use CR 112 for their route.

Pete Simmons - Spring Valley mentioned MOC site is a marvelous compromise. He assessed information off of the web site and since 1950 a total of 470 policeman have been killed transporting prisoners 25 miles from their jails to the Courts -- includes hijacking cars, etc. He also knows from his engineering background and having built a plant years ago they had a lot of trouble with uranium and radon and between the ACLU who didn't want the plant on that location, a lot of money was spend trying to satisfy the legal issues. He is concerned about the jail house lawyers with all kinds of problems if the jail is in Rifle. The availability of the MOC site is marvelous for all of us since problems have transpired between the County and the City. He hopes the Board of County Commissioners can come to a decision and keep the jail in Glenwood at this MOC site for all the reasons they have heard this morning.

Chairman Smith clarified that he was talking about the Hollenbaugh property.

Pete added that Commissioner Martin knows, as well as anyone, the problems the law officers can get into in transporting prisoners. Therefore, the closer the Court is less expensive for everyone.

Chairman Smith closed this session and reiterated that the Board would be discussing this at the noon hour. She invited anyone to come back and give comments. There is a letter from Rifle on transportation costs but she will read it into the record at noon.

## **COUNTY BUSINESS**

Mark Bean gave his report

### ***Request - Amended E-34 - Aspen Glen - Expand Building Envelope***

Mark presented the request from Aspen Glen, Lot E-34 to expand the building envelope.

Discussion was held.

Mark mentioned he had encouraged them to build as far west from the sink hole as possible. He added there is an engineered foundation that requires a stamp of approval and would place the burden on the engineer if anything went wrong. He added that the property owner's name is James Gould.

Chairman Smith made comments for the record that she had a very strong concern for the sink holes in that area.

Mark mentioned the building envelop was well over 30 - 50 feet away from the sink hole.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the plat as soon as possible amending the lots as presented.

Vote on the motion: Martin - aye; McCown - aye; Smith - nay.

### ***Christie - Silt Mesa - Plat and Resolution***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a Plat and Resolution concerned with granting an exemption from the Garfield County Subdivision Regulations for Theodore and Katherine Christie; carried.

### ***Peaks at Aspen Glen - Amended Plat - A- B - C - & D***

A motion was made by Commissioner Martin and seconded by Commissioner Martin to approve an amended plat for the Peaks at Aspen Glen -- A, B, C, and D; carried.

### ***Sills and Weinreiss - Annexation CR 346***

Mark mentioned there was a request by Jim Sills and Velma and Joseph Weinreiss that the Board become a co-signature on their annexation plat so they can annex all of CR 346 adjacent to the Sills property. This is being requested of them by the City of Rifle. Don and he have reviewed and recommended the County go ahead and be a participant in this annexation of CR 346.

Commissioner McCown so moved; Commissioner Martin seconded; motion carried.

## **EMERGENCY MANAGEMENT**

### ***Reudi and Rifle Dams***

Guy Meyer reported on a table top review with Rifle Gap and he met with Loveland Bureau of Reclamation regarding Reudi. The outcome was the two Bureaus have two different plans for both of these dams. Reudi has a five step plan; Rifle has three phases. Guy felt the Reudi Dam had the better of the two plans.

Ed Green added that when they met at Rifle Gap it became troubling when he asked them what their priorities were in an emergency scenario. It took them a little bit of time to figure out that it was the people. Ed added that every six years they do a complete inspection of each dam and the end result is in either physical remediation or some administrative changes related to management occur. What concerns him is they do not always tell the public the decisions and the reasons.

### ***Airport Exercise on Saturday***

Guy mentioned again the Airport exercise with respect to an Airplane crash and said he will make sure everyone knows it is an exercise.

## **DEPARTMENT HEADS**

### ***Extension***

Carol McNeel - thanked the Board for coming to the Fairboard meeting.

*4H - Recognition - December 13 - New Castle School - 2 P.M.*

Carol mentioned the 4H recognition program scheduled for December 13.

### ***Character Counts***

Thursday for leaders and Friday for professionals - 9 A.M.

### ***Candy Sales***

Carol mentioned the candy sales will go toward their funds for the trip to Seattle, Washington.

She added the meeting in the year 2000 will be held in Hawaii and some had their goals set for this.

## **CONTINUED PUBLIC MEETING: VACATION/DEDICATION CR 162 - APPLICANT: ANDRIANNE COUCH**

Don DeFord and Mark Bean were present.

Mark reported that nothing had occurred and suggested this be continued under his time on December 7, 1998.

Commissioner Martin so moved; Commissioner McCown seconded; carried.

## **HUMAN SERVICES- UPDATES**

Human Services Chair Deb Stewart gave the updates to the Board. She reported on the Grant Cycle saying they are using the common grant applications which is typical that all agencies would use if they were applying to a Front Range Foundation. It is new and she added an appendix -- addendum to maintain the integrity of the Human Services profile which she will put together out of those grants. This profile should be ready by January. They are again asking for three years of information.

Deb said she would like the option of having senior programs outside of the Human Services because she is seeing some real issues starting to develop.

Chairman Smith commented they were outside before.

Deb clarified they were funded through that same cycle even though they were funded separately.

The amount this year is \$185,000 for these programs; the senior programs are included in that figure as well.

### ***Nominating Committee - New Officers***

Deb said the new officers have been named for the next year.

### ***Humanitarian Award***

In December they will also talk about the group that will be working with the Humanitarian award.

### ***1997 Benchmark Report - Rural Resort***

This has been used for a lot of information by the agencies on their grant statistics.

### ***Deadline for Requesters***

December 9 is the time frame from requesters to the committee. The report will be ready for the Board in January.

### ***Senior Programs***

The new bus that C-DOT paid 80% of should be here as a Christmas present. This will be for East Garfield County. They are actually replacing two buses and every bus will be wheel-chair assessable.

### ***Meal Requests***

A major concern is that the meals have jumped to over 400. This is not attributable to one location - it is across the County.

Deb said a national issue and of great concern is mobility and transportation for the elderly.

### ***Education and Outreach***

Deb said the focus has been on education and outreach; doctors on referrals; maintaining our focus as a region; and frozen meals for rural development.

### ***Wendy Christie - Drug and Alcohol - Youth Recovery Center - Valley View Hospital***

Program Director for Youth Recovery Center, Wendy Christie gave information on the Youth Recovery Center Services. She reported that they provide private drug and alcohol counseling. They target kids from Parachute to Aspen and to Eagle all along the corridor. In August of 1997 the Community Forum identified substance abuse as the number one health problem in the valley. Recommendations made by this task force consisted of 6 main things: the need for education, participation and support for change; decentralized under-funded programs must be coordinated; the intervention and treatment must be provided to those in trouble and those at risk; education and prevention strategies must be provided to the school age children; locked units and detox with trained personnel must be created to take the burden off law enforcement and finally Eagle and Garfield Counties need to support the substance abuse programs at adequate levels. Hospitals, school districts and businesses must work together with nonprofit organizations law enforcement and concerned citizens to create solutions to this number one health problem. The substance abuse treatment services consist of some private and certified counselors through the State of Colorado and they provide a lot of DUI education and court ordered therapy. There are some non-certified counselors; the self-help groups -- AA and NA; Colorado West Recovery Center in Aspen and in Glenwood and the one in Glenwood handles outpatient, halfway house, DUI education/therapy and evaluations.

Data demonstrates that the period from July 1997 through May 1998 shows they served 608 clients with a primary substance diagnosis in Garfield County; 169 in Pitkin County. In the Youth Recovery they serve youth from 14 through 18 year olds and a 42 in-patient program. In the same 11 month period they served 65 adolescents and 11% were from Garfield County.

Prevention and Early - Valley Partnership and GYS and prevention programs in the schools.

Program Director for Colorado West Recovery Center and also the partner and committee member of the Managed Service Organization (MSO) through the State of Colorado, *Kathy Denay* spoke on the changes and behavioral management in the State as well as gave an overview of the programs offered at the recovery center. She gave a Western Slope Casa Options overview and handed out a list of the providers of services for those clients used within the State. She said that referrals come in by way of the legal system, self-referred and physicians. At the Recovery Center they are licensed for 18 residential beds, 6 detox beds, they accept outpatients and there is a centralized waiting list. When a referral is made, they evaluate the clients and assess for treatment and the areas where they can access treatment. Kathy said that the detox beds were redesigned a year ago focusing on the safety aspect. Renae Brown of Mental Health and Kathy developed a business plan that Michael Lucid will be presenting to the Rural Resort for the crisis stabilization unit. The out-bed patient has full range of the service same as intensive outpatient with a family component, DUI education and therapy early intervention for folks that are exploring abstinence. There is Spanish education and therapy and adolescent evaluations ages 14 and above.

Program Coordinator for DETOX/Half-Way House, *Kim Hildenbrandt* spoke on the specific programs and gave information on the detox saying these folks are intoxicated from alcohol or drug abuse. The program is usually 3 - 5 days in length and the primary goal is to assist individuals in detoxing in a method and socially safe environment. During the process detox staff try to assist the individuals who are there in obtaining further treatment so they can maintain a sober lifestyle. The last fiscal year from July 1, 1997 to June 30, 1998 there were 498 detox admissions. 467 of those admissions were from Garfield County. Folks entering the program are referred from a number of places including the police department, family members and hospitals of all economical levels in the County. Some are being detained from DUI, DWAI and chronic alcoholics. Kim added they have seen an increase of Heroin addiction in the area. There is a urinalysis and alcohol program that quite a few probation officers refer to them. They also have an Antibuse monitoring program. She pointed out that they serve indigent and transients. She referenced two particular entities they work closely with: Valley View Hospital, the Glenwood Springs Police Department and the Garfield County Sheriff's Department.

The other program Kim said she supervises is the Halfway House funded by ADAD and in the last fiscal year they served 87 people from a variety of counties on the Western Slope. This is basically a residential/transitional living situation for folks who need some structure to live a chemical free lifestyle before re-entering the mainstream community. They are required to work while they are at the facility and participate in treatment groups.

HIV Coordinator for the Western Slope of Colorado, *Maxine Pixley* shared details of this program. She is a nurse at the Colorado West Mental Health program. The HIV education, testing and counseling for clients who are in substance abuse treatment on the Western Slope of Colorado. She is funded by a federal grant. Statistically those individuals who are substance abusers are at higher risk for HIV. She added that she travels on the western slope trying to find HIV positive individuals and get them into early medical treatment. The statistics for 1997 include: talked to over 2300 people to education them about HIV; she tested 330 for HIV and counseled them as well. Maxine commented there is no other program on the Western Slope besides this one and she provides this education and testing for adolescents and adults. In response to a question, she added that only one out of the 330 tested was positive for HIV. This was not particularly uncommon because many go out of area to be tested and to private physicians. She mentioned that the categories of individuals on the increase are women and heterosexuals.

Maxine gave the statistics for those who have HIV and AIDS -- 12 HIV and 14 AIDS.

### **SOCIAL SERVICES**

A motion was made to go into the Board of Social Services by Commissioner Martin and seconded by Commissioner McCown; carried.

A motion was made to come out of the Board of Social Services by Commissioner McCown and seconded by Commissioner Martin; carried.

#### ***Housing Authority - Social Services - Direction***

Commissioner Martin made a motion to give direction to Margaret to proceed on the Housing Authority Issue. Commissioner McCown seconded the motion; carried.

### **JAIL SITE - DISCUSSION**

Marian read into the record the City of Glenwood Springs Resolution -- "November 16, 1998, To the Commissioners, the Glenwood Springs City Council met in a special meeting this morning and would like to unanimously propose the following as a way of addressing concerns which were previously expressed by the citizens and City Council. The City trades our MOC site to the County for the UPL site. This can be done either through a 20 year lease agreement with 5 year roll over clauses from each party, or a vote to trade properties. The timing for a vote is such that it may not be able to executed within the County's time frame. Therefore, the lease agreement seems to be the best choice to begin with but a vote shall be scheduled within a mutually agreeable time frame. No. 1 that the City by June 1, 1999 will have an acceptable piece of property to be turned over to the County to begin immediate construction of a jail. This will include an environmental statement that gives this piece of property a clean environmental phase I impact analysis. The also means that all buildings currently on this property will be cleared by the June 1st date. We have talked to staff and although we will have to scramble to find new temporary locations for our operations until we are able to build on the Chatfield property, staff has assured us that because of the needs for this property, they will find housing and we will be able to meet our deadlines. No. 2 we further propose that we instruct our staff to initiate a hearing before the City's Planning Commission to modify the

industrial I district which the MOC is in to include a criminal justice facility as a permitted use. We do not want to circumvent any processes in having this looked for rezoning but believe that having criminal justice facilities in I-1 zoning in general does not hurt the city or any of its future plans. Through the process we should be able to have the zoning on this property sometime late January to early February. The City also proposes that during the planning and design phases of the jail at the MOC site transportation issues including rail and the by-pass will be considered and addressed. This whole proposal has been made possible by a vote of the citizens which gave us opportunity to move the operations center thus making this property available for a jail and UPL property possible for a new City Complex. We feel this is a win-win proposition for the City and County and most importantly for all the citizens of Garfield County. Sincerely, City of Glenwood Springs and signed by Sam Skramstad, Don Vanderhoof, Mary Steinbrecker, Marc Adler, Bob Zanella and Jon Tripp."

Doug Toft - Mayor of Rifle, introduced the Rifle City Council present -- Bill Grant, Mayor Pro-tem Dave Ling, Council Jeff Johnson, Jim Beverage, Bill Clugston, Judy Beltman and City Attorney Lee Leavenworth and the City Manager, David Hawker. Doug read a letter into the record -- "November 13, 1998, Honorable Commissioners, The City of Rifle is honored to be hosting potential sites for the much anticipated Garfield County Jail Facility. We view your search process to date as being one of the most demanding and arduous undertakings that any elected official could be asked to face. We have been impressed with the professionalism and candor demonstrated by you in seeking to satisfy the needs of our County. It is our hope that in making your final site decision you can openly consider our perspective on the following issues: 1) Mid to long range growth projects for Garfield County support the concept of the mid-valley I-70 corridor from New Castle to Parachute will soon become as population center. Land values, land availability and infrastructure availability in this area all underscore this notion. We support the concept that key county services can be efficiently delivered from the most central location. 2) The Commissioners willingness to consider a larger site--40 acres--versus a relatively small site--UPL-- demonstrates the understanding that future expansions will be significantly less costly and less politically controversial. 3) The City of Rifle has been transporting at its expense prisoners to the present facility for some time. Our physical history leaves us extremely dubious as to the validity of the projected transportation costs for both the Sheriff's Department and those of other high profile municipalities. We implore the Commissioners to be reasonable and realistic in their analysis of these figures. 4) While the County does own a potential site for the proposed jail we would hope that the fair market value of the UPL be included in your analysis. Whether this parcel is to eventually house a jail, whether it is to remain in the County ownership for some future use or it is to be sold, it cannot be viewed as anything less than a very valuable County asset. In closing we would like to extend our appreciation to the Commissioners for your willingness to consider Rifle. We hope we have reciprocated by providing you with the information you desire in making this difficult decision. We look forward to working with you on this and other workable projects in the future. Signed: Doug Toft Mayor, David M. Ling Mayor Pro-tem; David Hawker City Manager.

Doug further commented on the two sites the Commissioners were looking into: Airport and Hollenbaugh. He stressed that the commercial permits were increasing in the Rifle area. He said they support either one but prefer the Airport site. He encouraged the Board to consider what is going on at the Airport, the future on an industrial base and tax base and for the Commissioners to continue to be visionary. The Airport site is the largest and lends itself to viable industry to take place. He therefore encouraged the Commissioners to consider Rifle for the jail site.

John Scalzo - Rifle resident since 1930 and mentioned that the County Jail was not just for Glenwood. He complimented the Citizens of Glenwood to protect their own turf but also questioned if the Board of County Commissioners can really believe what they say. Can the jail be built as the Commissioners decide or will they restrict the County to their way of thinking. The experiences they are projecting is they only want the jail in Glenwood if they can camouflage or hide it. Already heard the cost of the jail in Glenwood. He summed it up asking the Board to quit giving Glenwood a free ride and consider the money the City of Glenwood has cost the County and the taxpayer. He added that he was not sorry if he embarrassed anyone or hurt some feelings.

Doug Harr - Glenwood Springs but he grew up in Durango and decided that Glenwood Springs would be the area where he would set up practice and raise his children. The reason was that Glenwood Springs was the regional center in this valley and considers that from Vail to Grand Junction to Aspen. As far as economics in putting jail in Glenwood Springs has been illustrated by several different people. He thinks that the County and the region benefits from keeping the jail here in Glenwood. Glenwood is the historical

regional center and he sees no reason to change that. It is were the highest populace now lives and disagrees with Mr. Scalzo as he believes it is going to stay that way. As far as some things that have been addressed in the Newspaper, they say the City may have a hidden agenda to keep the UPL for themselves. He has been a participant in the UPL as a jail site since the beginning. There has been no looking at this site until very recently just because of the opening up of the city operations and the vote. When the City began to realize they could lose the jail and cost the taxpayers the additional expense in the transporting the prisoners and operating two jails, etc. On the UPL site for a jail, Doug added that he was hopeful that Wulfshon, Chatfield and the Salt Plant could be looked at and hopefully this last proposal of the MOC site is something the Board could consider seriously. He would prefer that his son didn't have to grow up in grade school being right next to the jail and in sight of it at all times. He realizes this is the 11th hour coming back but he feels everyone is pulling together and he supports the proposal. As a planner he supports the City Hall being built on the UPL site. He suggested the jail could still have the tunnel and setbacks same as with UPL site. On Parking - this proposal would alleviate the problem that would benefit everyone in the community.

On the By-Pass - suggested if it goes to the Centennial track to the west of the County's property, there would still be room for expansion possibilities in 10 years when the sewer plant moves. If the growth continues in this area, there is a chance that these facilities could be moved sooner.

He suggested to have the City to do the Environment Study since they know what's there. Lastly he said he was hopeful of going to a special election soon. He encouraged the Commissioners to do what is best for all of the taxpayers.

Michael Watts - 419 CR 250 said he was a citizen of Garfield County -- period. The Board of County Commissioners are the only body he can go to lobby issues. He said he has an interest but he didn't have a preference for the site but he has an interest because it is his money. He called attention to the building erected in 1928 and 70 years later it is very functional and will be for a long time to come. Long range planning is one major emphasis the Board should put on their decision. A jail is so specific and what it needs and the Board needs to build that jail and have it remain as long as physically viable. To build it to only last 10 - 15 years is not a good use of his money. The County, 20 years ago had the foresight to buy the UPL site specifically for expansion. This is not something the City of Glenwood had the foresight to do. The UPL site for the majority of people, both living in the town's jurisdictions and in Garfield County, believe this is the best site for the jail -- economically, proximity, foresight on the part of the County 20 years ago -- this is the place to build the jail. The Commissioners have been trying to do this for a number of years. They have hit nothing but obstacles and he appreciates their perseverance. If they cannot build the jail on the UPL site, then he suggested they plan 20 - 30 - 50 years out and don't built a facility like a jail on a confined piece of ground that will not allow expansion and/or modification and will cost the same as building somewhere else. This is humorous to him when they realized the MOC site was available and all the objections to the UPL site vaporized. It's another whole block away from the school. This proposed site is not an easy site to build on -- it has a lot of grade change, a current sewer plant is on it and it doesn't seem to be a good site. The Salt Plant and Wulfshon Ranch all have their problems and they are still transporting from there to here. Same cars would be used to transport these prisoners 20 miles. He doesn't agree to move the jail to Rifle because he would be looking at that site from across the valley. The lighting around a jail is not an impact he likes. But he added if they cannot build on the UPL site, they should look at a piece of ground that is expandable and large enough to hold the jail, sheriff and others. All the infrastructure directly attributable to building a jail is not correct. He thanked Marian Smith for her diligence on this Board.

Stan Stevens - focused on the payment of County taxes as well as City taxes and said the most important element in the decision making process should be the cost of both the capital and the upkeep running costs. Anyone of the sites considered -- UPL, MOC, Rifle I, Rifle II -- he said he was sure the Board would be able to select a building that would be suitable. The cost to the taxpayer should be predominate in the decision on the jail.

Oleta Corey - 631 Home Avenue in Silt - commented that she is excited about the City's proposal. This seems to speak a spirit of compromise, working together and seems to be cheapest option. Wants to see it followed through. She said she had been watching the issue for 25 years.

Dave Sturges - Glenwood Spgs - commented to the Board and especially to Chairman Smith that most difficult rock to move than ever imagined. He spoke from his experience of being on the Jail Advisory Committee since 1981. He stated that the majority of inmates housed in the jails are there for alcohol and drug problems and he has voiced an opinion that the County can and should say that they will not fill

anymore jail cells rather will lobby for alternatives. He said of the MOC site, that he felt this was a fine proposal even though it was an 11th hour idea.

Kenneth Smith - 15 years in Glenwood Springs and now lives in New Castle at 593 Gensing. He said he was glad to see that Mayor Skramstad did give the Commissioners the zoning regulations for the I-1 Zone District. He compared the C-2 of UPL and the I-1 of the MOC sites saying the maximum building height is 35 feet and up to 60 feet by special review which the Board has tried many times. The rear yard set back is 7 1/2 feet in the I-1 and no set backs period in the C-2 Zone District. Side yard set back is 5 feet and the front yard set back is 20 foot in the I-1 Zone. These are substantial set backs especially looking at a site that is essentially that. By the time you pull out the setbacks and get some site circulation in there, it would appear that the existing building is 50 x 150 which is about the size of a building the County could get on that site and it will only be 2 stories high. For site compatibility, the County has more buildable area where the existing site is by putting the 2 story building where the existing jail is. It has been mentioned before that the County had enough foresight to purchase the UPL site -- as he remembers the City had first opportunity to buy the UPL site and they passed. And there is some misinformation when it was stated that the City hadn't thought of moving City Hall to the UPL site until just a few weeks ago. Mr. Donaldson in his draft land use plan for the City of Glenwood addressed the UPL site as a City Hall and a Transportation Center in his 1993 plan.

He likened this to a Bill Clinton - Saddam Hussain thing and said he felt the County should seek other legal council besides the County Attorney and see if they are legally bound to the City of Glenwood Springs cause he truly believes the UPL site is the best site of everything that's ever been considered.

Pat Fitzgerald - 1317 Riverview said the Board of County Commissioners has a long tradition of fiscal conservatism and he appreciates that and knows that they do a lot to hold the budget in line for taxing purposes. His house cost him \$100 a month in taxes and he would hate to think that this was going to escalate to the tune of the additional expense that he sees reported related to the Rifle site. For a number of years he served on the Planning Commission in Glenwood Springs and later on the County Planning Commission and what he is seeing here with the City administration is the will to work with the Commissioners and work with problems such as setbacks which not cast in concrete rather they are subject to variances. He said he was seeing political will on behalf of the City Council to make this work for the Board. He suggested sitting around a table in a workshop and negotiate what needs to be done to make it work. All credit to Bob Zanella for thinking of this idea, he thinks this is great.

Mark Gould - 0041 Oak Lane and he lives in the County not the City. He suggested taking emotions out of this decision and realize it is not pitting Glenwood Springs against Rifle. This is what is best for the Garfield County residents and specifically because of the taxes this is an issue of what is best for the economic engine of Garfield County -- not the economic engine of Glenwood Springs or the economic engine of Rifle. Clearly our tax base as business people according to the Gallagher Amendment require us to take a major portion of the burden whenever taxes are raised. So the issue is -- what is going to be cost effective to solve our jail issue. He said on long range planning: 1) the MOC is a 2.7 acre site versus a 1 acre UPL site and can be shown by some planners that we can build a bigger jail on the MOC site than on the UPL site. 2) we can take the existing jail site and save that for additional expansion of the Courthouse in the future - long range. Therefore by making a decision for the MOC site, we have not short-sighted ourselves for long range planning. 75% of the people that are transported to the jail come from this end of the valley. Rifle has done a fabulous job and there are not a lot of criminals down there like we have up-valley. The cost of transportation is an annuity that our kids will have to bear over time and we need to look at this very seriously. The MOC site specifically has water, sewer, good soils and as business people they can make sure the City is diligent in getting the County in what they need to start on the MOC site and get some extra height, they can get that accomplished. He says we are talking about keeping the jail where the jail ought to be at the most cost effective manner -- and this is what this is all about -- what is best right now for our tax base.

Mayor of Glenwood Springs Sam Skramstad read into the record some of the answers to questions he was asked this morning. He provided the Commissioners a map of the area that shows the footprint of at least a 23,000 to 25,000 square foot building on the MOC property if they don't use the site that the MOC shop fits on. He added that the City Council was talking about and would be under consideration to vacate 7th Street if and when 8th Street was ever reconfigured. Any of the infrastructure costs that would have been on the table before are still there in terms of exchanging the current sewer and water taps and applying them against the new building and there is room to work. The end result is that if this is something that the County thinks is palatable and can work with, the Council would just need a list of what it is that would take

to get the job done. The City is willing to go to the table with the County Commissioners to accomplish that -- there is a commitment of Council to do this.

Chairman Smith said that Mark Gould mentioned the soils report. She hasn't seen a report.

Sam Skramstad said it was not completed. It is Phase I

Chairman Smith inquired as to the entire soils report. This is a totally different thing.

Sam Skramstad said the Phase II kicks in if there is anything in Phase I that prompts it.

Mark Gould said he has dug in that area and there are gravels and do have bearing capacity to build tall buildings.

Joe Clugston - Rifle spoke on the MOC site represented by this piece of paper and subject to a vote and could be another political football. The Airport site size wise represented by this piece of paper is a sure thing so it just seems logical for future planning and expansion that they should take an area where you can grow.

Sam Skramstad - said this is not a debate. The proposal was intended to do a lease with both parties with both parcels to ensure the projects get done. The election would make the Board of Commissioners more comfortable in dealings.

Jan Kaufman - husband owns property in Rifle, Silt and Glenwood - all the information has been very enlightening but the most important consideration that is before the Board is to be fiscally responsible. This is not specifically in terms of the jail or the property but in the long run. The cost in having two facilities which would be required if they go to Rifle are phenomenal over and above what they would be here. This is ongoing costs. The Board is aware of how long a time it has taken to get to this point. At some point we might move the courts but that will not be very soon and she said she thinks it would economically unfeasible to go with any other site other than Glenwood.

Greg Rippy - 0213 Creekside Court - unincorporated Garfield County saying he is a lifelong resident. He said he would like to look at this as an opportunity missed or opportunity cost. He referenced the earlier citizens not on the agenda topic of a request to plow the roads. Public safety is one of the largest duties that the County has to provide to its residents. With the budget very tight and especially on plowing the roads without going into overtime, create large numbers to deal with. When taking a look at transporting prisoners back and forth to the jail - if it's half a million - these are dollars we do not have. He encouraged the Board to keep in mind all the rest of the citizenry and not just the prisoners being transported back and forth. Our charge to provide the citizens with safety. Everyone that lives out in unincorporated Garfield County deserves the best that this County can do for them and added let's not spend money transporting prisoners back and forth on I-70, let's give them what they deserve.

### ***Motion***

Commissioner Martin said he was going to make a motion to try and work out UPL, MOC compromise with the City of Glenwood Springs; that if it cannot be accomplished I'm going to move the jail to Rifle at the Airport Site.

Chairman Smith - John, by that motion are you talking about giving the City the UPL site?

Commissioner Martin - I said we would try and work a compromise so that's its a workable. In the scenario if you want to go into discuss, I've got a motion. I'd like to have a second to go into discussion.

Commissioner McCown - second.

Commissioner Martin - my compromise is that the MOC is a possibility but I don't see it exactly for the jail at this time. I have another piece of property across the street at 8th and Pitkin which is large enough for a City Hall. I think it's 3 plus lots. Across the street from UPL which is also owned by the Garfield County people.

Chairman Smith - you mean the parking lot?

Commissioner Martin - what I see is a possibility if we put the jail on the MOC site that the UPL site is then a joint venture with the City of Glenwood Springs as a parking facility. I don't see that the structure, I also see that the current jail site become a parking area replacing the one that the City Hall would take. It's only for discussion, but I think that working with these different lots these different configurations in the area we could come up with a proper jail site either on the UPL or the MOC site.

Chairman Smith - what John's proposal was - one more wrinkle and constantly changing the picture, that we take the 8th Street parking lot (8th and Pitkin) and make that a part of it - the parking lot on the south side of 8th and make that a part of it and make a building structure for parking maybe on the old jail site. I guess I wasn't....

Commissioner Martin - also using that parking ....the current jail is either as a parking facility or a possibility of expansion in the future to alleviate some of the problems that we - - putting City Hall on the County parking lot at 8th and Pitkin leaving UPL site either as a possibility for either a jail and parking and MOC as a parking structure with City and County trying to work together or if that's not possible using the MOC as a jail site UPL as a parking site still keeping City Hall off of UPL. Again, there's a lot of scenarios, a lot of possibilities.

Chairman Smith - These are all new ones to me, I haven't heard...

Commissioner Martin Again, what I'm looking at is the cost to county taxpayers and cost to city taxpayers in not having to buy property.

Chairman Smith - I understand that...

Commissioner Martin - If that scenario cannot be worked out, the motion is to also move it down to the Rifle Airport and develop that site as an industrial economic base for Garfield County. That's the only logical site I see to invest in.

Chairman Smith - I have a motion and a second...

Commissioner McCown - I'm not through discussing yet...

Chairman Smith - No, I didn't think you were, I was going to ask.

Commissioner McCown - You know everyone that appeared in this room this morning, the thing you keep hammering on is cost. Let's do it the most effectively, cheapest we can. We're signing our kids on to 1/2 million a year building for the rest of your life. I need to say something: SHAME ON GLENWOOD SPRINGS. Nobody has mentioned the additional 10 million in construction cost that the last 18 years is going to cost every taxpayer in this room. Prorate that out - haul transports for 20 years at 1/2 million a year - it's not been brought up. Mr. Zanella came to us last week with a letter - a great idea for - Mr. Zanella - everybody's embracing it - it was on the front page of the Independent two weeks ago - the same thing - the whole reorganization of the downtown Glenwood area. Was that Bob's idea? The picture in the paper? I understand it was from Clarion and Association - an outfit that was hired by the City of Glenwood Springs to redesign the downtown area. If you noticed on that our County Road and Bridge Shop was also missing - there's a ball park there. Apparently this designer is not only designing downtown Glenwood Springs but the operation of Garfield County government.

Commissioner Martin - that parking at a 8th and Pitkin is also commercial zone right now.

Commissioner McCown - so I guess everything hasn't been said. I've been labeled as pro-Rifle - the Sheriff has said I've got it all crated up and on a truck somewhere between Silt and Rifle. That's not true. I don't guess you'll find a more fiscally conservative person on this board than the one that's talking to you. So if you're talking the cheapest, best for the buck we're not talking about MOC - we're not talking about the Airport - we're talking about the UPL site. We've owned it for years - it's purpose was for a jail site. I'm not saying that may not be the smartest in 50 years but today if we're talking hard dollars - what's it going to cost to build it - you build it on the UPL site. You can't argue with it - nobody can argue with it. What kind of legacy are we leaving the Commissioners, Council people in Glenwood Springs in the next 20 years when there's no room for anything to go in anywhere by dedicating that to a jail site? I don't know. If we're looking 20 to 50 years down the road the Rifle site makes the most sense. But if we want to settle a jail issue and if we want to settle it the cheapest, quickest we can - the UPL is the site.

Chairman Smith - I read this in the paper and we all know I've been at it a long time and I've got pretty strong feelings about it. I - Michael Watts was right - he said that Garfield County was foresighted enough to buy extra land - there were also pieces of property available the we in the City did not take advantage on and when you figure that the County provides the land for the hospital and provides the land for the only park where the Chamber of Commerce is on in the City of Glenwood Springs and Two Rivers Park was something that was worked on very hard to finally get with city participation waving over the years but finally got it. I have a real problem with the County not be commended in having the foresight to buy land west of the Courthouse for expansion. There are a whole bunch of questions about this new proposal, that I don't have information on. I, as a city resident and taxpayer, have a real problem with taking the city facilities and just finding a temporary housing for them. We all know that we're hearing 10 years for the sewer plant to move and of course it could move sooner but you have to have a right-of-way to get to that land and you don't have it in the city - this is not a completed deal with a piece of BLM that you need out there and I think there are a lot of stumbling blocks that we may look at this and say we are going to be able to move ahead and we're going to be running into things that we haven't even counted on yet. I would definitely feel that with the use of that site over the years that - but our UPL compactor - we used to have it

for landfill - that we had a transfer state on that property with 2 major oil tank fires we've had in the area, I would want a very detailed environmental on that particular piece of land and I'm not sure that Phase I is adequate enough. I think that certainly we can look at all these possibilities but I have to tell you that I've gotten telephone calls- both pro and con and one of your larger taxpayers - he isn't here so I won't mentioned his name - in Glenwood springs that if the City feels that this is appropriate for our jail down by the sewer plant why aren't you considering it for City Hall? And you know if the use is out there no matter where we put it, but I think these things are all blowing me away to see this proposal when we're at the last hour we know we have to do something.

Commissioner McCown - For the record I think you as citizens of City of Glenwood Springs are very fortunate to have a mayor...

Chairman Smith - absolutely..

Commissioner McCown - such as Sam Skramstad.

Chairman Smith - I think he's to be commended.

Commissioner McCown - During these negotiations Sam has never wavered. If he had told us something we could guarantee that is what he would go back and report to his people and what he got from his people he would come back and tell us. Congratulations!

ommissioner Martin - It's based on economics - it's based on the good people of Rifle willing to come here and standing by their word as well. Sam's diligent and our phone calls have been going back and forth. I think it's a workable solution and I think we need to give it a start and set a time limit on it and I think we can all agree this decision has gone on way too long. Let's do it right - this is the opportunity. This is our final stake in making a decision and we have to have a jail. This is our number one priority for Garfield County too build this jail. Let's stick to the guidelines - let's stick to our priority list to get number one done so we can go on. This is a crucial step. This proposal is worth looking at. Give it the opportunity to look at - if we can't we know what our next step is going to be.

Chairman Smith - John I guess I've got a problem throwing in as much property as you did.

Commissioner Martin - I said that was only a possibility. We talk about it. We sit down with city and staff - we work it out - if it's buildable or not. Give us a time line - look at the options we do have without spending anymore taxpayer dollars. That's what I'm looking at. Need approval, be firm, look at the future - look at what we have in front of us and let's not just want the whole bag of marbles - let's look at what we have. What can we trade and what can we not trade. Let's look at it and be very careful on both sides. If we can't live with the limitations presented to use on the MOC and UPL property - we move.

Chairman Smith - are you ready for a question?

Commissioner McCown - yeah, just the fact that we are spending approximately \$1500 a day of our taxpayers dollars in other jails not to mention transporting costs.

Commissioner Martin - and \$40 to \$50,000 a month in operating.

Commissioner McCown - call for the question?

Mildred - John would you repeat your motion.

Commissioner Martin what it amounts to is to take the MOC proposal; sit down with the City of Glenwood Springs; see if it is workable on a compromise with what has been proposed with the City using the UPL site parking lots and coming up with a solution of keeping the jail in Glenwood on the UPL or MOC that we can live with or else we move the facility to the Rifle site, near the Rifle Airport area for the jail.

Don - can I ask a question? On the other sites you directed staff to do a site cost analysis, do you anticipate the staff doing that in regard to the proposed property, this proposed property?

Commissioner Martin - yes that would part of the negotiations?

Don - would that be part of the motion?

Commissioner Martin - yes - all included. It's a delay Larry, I know that it is. I know that it is frustrating, it's frustrating for me because I was willing to another motion to go ahead and end it today, but I'm reconsidering my motion, just to give it one more shot.

Commissioner McCown - well, I'm ..... you know

Chairman Smith - you changed it a little bit but call the question.

Don - you've done it on the other sites.

Chairman Smith - Oh, I know.

Commissioner McCown - so we're back to ground zero and another study that again we're talking several thousand dollars here.

Commissioner Martin - based upon and the information we have and the City is supplying us, I don't think we're going to have that great a cost.

Chairman Smith - well, you don't have that yet though. And I guess Sam, I ask you ..

Commissioner Martin - again we can also make another motion that we do the study....it's only up for discussion.

Dale Hancock - said he didn't see that you are going to have an appreciable site development costs in John's scenario given the fact that you've already done the UPL site and parking lot cost for all intent and purpose...

Chairman Smith - Dale they can't hear you back there.

Dale Hancock - I just commented that the UPL site development costs received from U. S. Griener ought not be materially different if we involve the parking lot.

Chairman Smith - what about the MOC site?

Dale - the MOC is a different deal.

Chairman Smith - the MOC is a different matter. I understood from John's motion he's talking about a study on that too.

Commissioner Martin - Again, is it even approachable by this Board to consider that through the negotiations with the City of Glenwood Springs? Does this scenario play out that need to go ahead..

Chairman Smith - talking about negotiating?

Commissioner Martin - at this time, that's right. That's what my motion was is to run that scenario to see if we can move these building blocks around so it's acceptable both for the City of Glenwood Springs and the citizens of Garfield County. There's both.

Commissioner McCown - John, I would second that motion again if you will include a 60 day time frame; this period of negotiations not to exceed 60 days so that...

Commissioner Martin - I wasn't even thinking that long but if you'd like 60 days

Commissioner McCown - well it's going to take that long to get the study.

Chairman Smith - yeah, especially on the MOC.

Commissioner Martin - or sooner, not to exceed 60 days.

Chairman Smith - I don't think we can get it any sooner based on these others.

Ed - my biggest concern is the environmental.

Commissioner McCown - this is still negotiations, this is still not selecting a site.

Commissioner Martin - I'll amend it if you'll.....

Commissioner McCown - There is a lot of area here that haven't been filled so we're back to talking again. I will second it.

Chairman Smith - That will take us to January

Commissioner McCown - do you have a new calendar Mildred? January...

Commissioner Martin - no later than January 11, do you want to second that part?

Commissioner McCown - no later than the 11th of January, second.

Chairman Smith - all those in favor of the motion.

Martin - aye; McCown - aye; Smith - reluctantly aye.

### ***Direction to the Staff***

The Board gave direction to the staff to do a site analysis on the MOC site. Also on the tunnel, the Board said no tunnel due to the City's main inceptor lines running down the street.

On the parking facility, the Board indicated they would not be able financially to be a part of a parking facility.

Commissioner Martin suggested setting dates for a work session with the City Council and the following dates were tentatively set: Friday, November 20th - 4:00 P.M. to 6:00 P.M. or Tuesday, November 24, 9 A.M. to meet with the City face to face.

Chairman Smith mentioned for the record that she appreciated all the effort that Sam Skramstad had put in working with the County Commissioners and has been very consistent with his support.

### **ROAD AND BRIDGE**

#### ***Black Diamond Road - Roan Creek - Radio System***

King Lloyd gave his report and summarized the projects that were being completed: The Glenwood shop is putting finishing touches on the Black Diamond Road and shouldn't see any problems this winter. The drainage has been repaired and widened almost all of the switch back turns and enough gravel in to ensure no more problems when the frost leaves the ground. The Silt and Rifle trucks are working together to

finish up a graveling project on the upper end of Roan Creek. The County's new radio system is operating - they are still making some minor adjustments with some antennas.

*County Road 112* - the guardrail is on the projects list but there is not enough shoulder. King mentioned that he had met with the landowner several years ago and he was not interested in releasing property, however, he said he can try again.

*County Road 109* - King mentioned there was no signage with weight restriction.

The Board mentioned due to the 2" pavement there should be a discussion about weight restrictions. Also posting the speed limit at 35 mpr.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to go into the Board of Health; carried.

## **BOARD OF HEALTH**

Mary Meisner gave the report.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of the Board of Health; carried.

### ***WIC Contracts***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign the WIC Contracts; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go back into the Board of Health; carried.

Mark mentioned the WIC contract had an increase from \$121,000 to \$201,000.

### ***Program Updates***

#### ***IAP Program***

All the flu vaccine has been given out - 2,300 doses countywide.

#### ***HB Series***

The second round has been given to the school children.

#### ***Handicapped Children's Program Clinic***

This will be held next week on December 11.

#### ***Neuro Clinic***

On December 3 - they are at capacity.

#### ***Pulmonary Clinic***

Last Friday from National Jewish Hospital.

#### ***Well Health Child***

Mary said this was also at capacity.

#### ***WIC Program***

This program is also at capacity and speaks to what is going on in the community as it reflects the working poor.

#### ***Satellite Well-Health Clinics***

These are held in New Castle, Parachute and Carbondale but these are maxed at capacity.

#### ***Healthy Beginnings Report***

Lisa in at a meeting working on a possible grant funding raising source. She added that this program is running smoothly and she was very pleased.

#### ***Eagle PreNatal***

This is scheduled to open on November 17.

#### ***Pediatric Task Force Update***

November 10 was their last meeting and 20 people attended from and a good cross section from Pitkin County, Eagle County, Provider Group, Colorado Access did hire a consultant and did pay for analyzing the statistics for Garfield County to see if we qualify for a MUP - a medically underserved population. This includes those having difficulty accessing medical care. The consultant started last week and should know by next week whether we qualify for a Health Center. What that translates into is hire reimbursement rates for Medicaid and putting a health center in if the community wants it. VVH is also looking at 3 models: 1) Children's Hospital is an example and it starts with just dealing with the pediatric access to care and it can be built upon then adding the entire family model; 2) community center concept model and is not a qualified health care center but has the concept and looks at the entire family and 3) indigent clinic sliding

fee scale with physician volunteers. Mary added there are about 10 physicians willing to volunteer some time. Mary mentioned the next meeting will be February 9, 99 6:00 P.M. - 8:30 P.M.

Mary mentioned that she had used all the grant funds for a facilitator but Margaret Long agreed to pick up the bill for the facilitator for the last meeting out of the Social Services budget.

Sarah Shepherd attended the meeting for Mary.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of the Board of Health; carried.

**CONTINUED PUBLIC HEARING: SPECIAL USE PERMIT TO ALLOW FOR SHOOTING RANGES. ZONE DISTRICT TEXT AMENDMENTS, SECTION 3.01.03, 3.02.03, 3.10.01 AND 3.10.04 APPLICANT: BOCC**

Mark Bean and Don DeFord were present.

The Board discussed the Special Use Permit for Shooting Ranges.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve the definition as corrected -- a public or private facility and striking the last seven words ending the definition with basis and adding the recommendation amending and adding as a special use to section 3.01.03, 3.02.03, 3.10.01, 3.10.04 of the shooting range as a special use and adding to section 5.03.02 the standards for a shooting range that were read into the record with the modification unless modified by the Board of County Commissioners after a public hearing demonstrating adequate safety measures have been taken; carried.

***Executive Session - Cerise Ranch***

A motion was made to go into an Executive Session by Commissioner Martin and seconded by Commissioner McCown; carried.

A motion was made by Commissioner Martin to come out of Executive Session. Commissioner McCown seconded; carried.

***Action Taken***

Don said what would be needed is a motion that the decision of the Board of Adjustment on the determination made by Mark Bean, Building & Planning Department decision on incompleteness on the Cerise Project.

A motion was made by Commissioner Martin to go ahead and file an appeal of the Board of Adjustments on the issue of the districts and sanitation districts -- the overruling of staff and the position that has been in place. I give that direction to the County Attorney to file such appeal to the District Court. Commissioner McCown seconded.

***Discussion***

Commissioner McCown asked if this would stop any of the rewording action?

Don DeFord said it will.

Commissioner Martin said all the Board was going to do is vote on this issue; if it doesn't make it, you can always have. I'll put that motion out there and I'll see if it goes.

Smith - aye; Martin - aye; McCown - no.

**PUBLIC HEARING: TO CONSIDER INCREASING PROPERTY TAXES FOR CAPITAL EXPENDITURES**

Allen Sartin and Don DeFord were present.

Allen mentioned publication was made saying that the Assessor made some modifications used for the publication numbers.

Allen mentioned he had prepared two Resolutions - one reflects the numbers as were in the publication and a second set which reflects the changed values by the Assessor. The Board has the autonomy to approve either one of those, or none at this meeting.

Don verified publication and assured the Board this was proper to amend it at the public hearing.

Allen stated that at publication time the change would have been \$157,646 and the new number after the change in values is \$187,733 for a change of \$30,087 from what was published.

Don said the Board was entitled to proceed.

Chairman Smith swore in the speakers.

Allen presented the following Exhibits: Exhibit A - Proof of Publication; Exhibit B - Original Resolution based on the Publication; Exhibit C - Amended Resolution; Exhibit D - Letter from Dwinells and Exhibit E - a letter from Gene Park.

Chairman Smith admitted Exhibits A - E into the record.

Allen Sartin explained the 5.5% had been taken as the standard process and this would be in excess of the 5.5% which is allowable by State Statute. Excess Revenue is not an increase in the mill levy - it is the difference between the current mill levy and what it would have been reduced to under the State Statute.

Don summarized that it is an increase in value and not an increase in the mill levy.

Chairman Smith added that this is an awkwardly worded Statute to deal with and it sounds like they are raising taxes.

Don explained there were two limitations: Tabor - the County removed the limitations under the Tabor Amendment 2 -3 years ago and the County is not bound by limitations of that amendment. This discussion today has nothing to do with the Tabor, it limits the revenue the County can generate to 5.5% over what you generated the year before. This is the third year the Commissioners have done this. Because of the increased value by the Assessor placed on property, more revenue is generated applying the same mill levy. The mill levy has not changed for many years, but because the value of real property is going up so fast in the County, it results in more than 5.5% revenue of increase to the County. He added that there is a need to follow this procedure every year or decrease the mill levy.

Gene Park - how does it affect individuals?

Don said the alternative is to reduce the mill levy and as each taxpayer is involved it would reduce the amount of revenue generated by the increased valuation and would reduce taxes but would not result in a refund. The practical problem with this is, if you reduce the mill levy to meet the limitations of this statutory provision then when valuations don't go up and we aren't generating enough revenue, to increase the mill levy back to where it is today, would have to go to an election.

Gene Park, Martha Gold, Shirley Willits and Fred Goldhardt were present for this discussion and inquired with respect to the oil and gas industry and road improvements. Also inquired about the oil and gas impact fees.

Commissioner McCown explained it would be asking an up-front payment from the industry and then as the bills come in the County gives them credit.

Commissioner McCown said the County is trying to establish the number of heavy loads -- 18,000 lbs. and above that it takes to complete a well and during the production process. At that time there is an easel given to each axle load and the overweight loads go completely off the scale. He said it is like a multiplier of four and at that time the life of that road is all calculated. During the course of the well, the distance traveled on that road from point A to point B will all be calculated into a factor and at the time a well is permitted, that is when we hope the fee will be collected. Commissioner McCown mentioned three additional factors: 1) has to be defensible on the part of the County; 2) the industry has to buy into it; they have to see that it will benefit their operations and productions by not having to shut loads down during the frost laws and 3) something that is not so expensive that it drives their production cost up to drive them out of the market.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to close the public hearing; carried.

#### ***Resolution -Consider Increasing Property Taxes for Capital Expenditures***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a Resolution retaining excess revenues pursuant to the provisions of Section 29-1-301 (1, 2) C. R. S. as amended; carried.

#### ***Work Session with the City of Glenwood Springs***

Tuesday - November 24 with City - Work Session 9:00 A.M.

#### ***Coastal Corporation - Oil and Gas Assets***

Chairman Smith mentioned a request from Coastal Corporation to have an informal get together and asked Mildred to set up a time on a regular meeting.

### **PUBLIC HEARING: WESTERN SLOPE AGGREGATE TO REVIEW A SPECIAL USE PERMIT FOR NATURAL RESOURCE EXTRACTION AND ACCESS ROAD**

Mark Bean, Don DeFord, Dee and Jean Blue; Sean Mello; and Bill Roberts were present.

Mark said this is another hearing regarding the May 19, 1998 hearing and Casey Concrete using the Hwy.. 82 access road.

Don determined that adequate notification and publication was in order and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

Mark submitted the following Exhibits into the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - a letter from Western Slope Aggregates noted they applied mag chloride and Casey Concrete stopped using the road in question on May 19, 1997; and Exhibit D - a letter from Gary Hubbel.

Chairman Smith admitted Exhibits A - D - into the record.

Bill Roberts mentioned the trees were dying and they added 6 new trees and so far they are living; other than that they are policing their own roadway and keep talking to the various customers coming in and out of the quarry.

Sean stated he had received a copy of the letter from Mark Bean.

Comments:

Dr. Michael Gerber - Ranch at Roaring Fork - Chairman and representative of the homeowners stated they wanted to restate their opposition to Western Slope Aggregates on the gravel road and asked the Board of County Commissioners to reconsider the impact of 104 taxpayers in the Ranch at Roaring Fork. He mentioned the noise, home values and impacts the tax values which directly affect the County. They respectfully request the permit be denied at two specific points: 1) the permit holder has not implemented the re-vegetation provisions that were clearly stated in the original proposal (trees were required to be transplanted along the scarred hillside according to the landscaping plan and the draft minutes of May 19, 1998 states in number 6 that the revegetation plan submitted at the hearing shall be maintained as proposed and any trees that die will be replaced. Their have been modest attempts to replant the trees and the last attempt was less than 2 weeks ago. Dr. Gerber said he personally reviewed the landscaping plan and there were more than 6 trees slated to be planted and this has not occurred. Moreover the landscaping plan is inadequate to mitigate the noise and visual impacts their community faces; and 2) they had opportunity to review the noise impact assessment report of May 31, 1996 sent to Mr. Mello and upon review they find that it was problematic from the standpoint that the survey was done under conditions not that are not relevant to the current situation specifically it was predicated on 24 trucks at 10 mpr. The conditions of the study were such that the road was not completed -- it was a dirt road. The large boulders were not yet replaced. Most importantly is the conditions for the study were various trucks from WSA were driven up and down the proposed road and their noise decibel level was recorded in the context with the background noise from Hwy.. 82. They feel this does not emulate real life conditions because at any given time more than one truck is using that road at a level that transmits the level of noise throughout the community. The noise assessment was not in keeping with the what's going on now with the large number of trucks transiting that road at any given time. And the fact that the recordings were taken at ground level on Surrey Street and also at 150 feet into the Ranch proper. This does not take into account the sound off that hillside and with the large boulders placed act like reflectors forcing the sound into their community. Therefore, they feel that a second sound study should be undertaken to see if this truck traffic is in compliance with the noise levels. Finally, the Ranch has been a community for over two decades; predated the gravel pit; and predates the road built in their back yard. These impact the community adversely. A single company should not adversely impact this community. There are other options available to provide for a gainful living but not at the expense of the Ranch at Roaring Fork. Dr. Gerber asked the Board to consider this when they vote.

Chairman Smith inquired as to the number of trees .

Sean mentioned there were 13 trees planted and the original landscaping plan showed some trees planted at the top of the road however, the slope is too steep. He added that the plan called for native and original type trees. These trees are very difficult to transplant and live. He added they planted more down below but none at the top.

The Board determined the number of truck trips, the number of trees planted, and various questions regarding the permitting conditions.

Mark read into record the conditions of approval from the Resolution of approval for the Special Use Permit that referred to the trucks.

Chairman Smith noted that there was no time limit on the re-vegetation and she noted that there was only one complaint.

Dr. Gerber gave the history as to how this permit has evolved and if the Commissioners base their decision on formal written complaints then he can get these stated in writing.

Frank Holloway - Stagecoach Drive also spoke and objected to the noise and visual impacts. He asked in lieu of the trees if a fence or barricade could be implemented.

Bill Roberts - mentioned that C-DOT would be the one to mitigate the noise of Hwy.. 82 with a sound barrier.

Mark Bean explained how the States regulations are based on the background noise.

Chairman Smith - mentioned that the Board granted this permit with the noise studies and Western Slope Aggregates was operating within the standards -- it is not an illegal operation.

As to the Vegetation Plan -- Exhibit V in the original application, Sean noted that if seedlings could be used they would take root and probably live. They have transplanted 28 trees already.

Dee Blue - mentioned that pinions are hard to transplant and suggested Chinese Elms as they do grow beautiful.

Chairman Smith also mentioned for Sean to check into Russian Olive.

Dr. Gerber said it is not the issue of re-vegetation; how can their community be impacted so harshly with this gravel pit? -- it doesn't make logic sense.

A statement was made that the Pit has been in operation since 1981.

A motion was made to close the public hearing by Commissioner Martin and seconded by Commissioner McCown; carried.

#### ***Additional Review - Date Set***

Mark mentioned this was to be an annual review however in May the Board requested this be reviewed once again to see if some of the issues were resolved.

The Board commented on the noise for Western Slope Aggregates to try Chinese Elms on the upper level to see if this helps with the mitigation; and to use samplings and make an attempt to re-vegetate the upper level of the road where the sound appears to be coming from. They also added to keep a progressive enforcement on the speeding.

Bill Roberts mentioned he did not want letters flowing in from the Ranch at Roaring Fork that are really immaterial. They have done everything they can to mitigate these problems and will continue to do so. In terms of where that goes they are looking for help too and perhaps the Ranch could check with the highway department as well to see if a sound barrier could be placed there.

Commissioner Martin mentioned that Bill Roberts has a good operation. There are some items this Board needs but we also need to find peace in the neighborhood. He recommended another review. He also suggested seeking the help of the highway department as well as for Bill to plant vegetation around the boulders.

Chairman Smith agreed that more planting is necessary to diffuse some of the noise and that the highway does need to be involved as well. Sound is carried in the narrow valley. She also stated the Board should have given Western Slope Aggregates more options on planting. She stated that Bill has tried to work with the Ranch at Roaring Fork all during this process.

A motion was made by Commissioner Martin to continue the Special Use Permit; Commissioner McCown seconded.

Another scheduled public hearing for review was set for September 20, 1999 at 2:00 P.M.

Motion carried.

#### **PUBLIC HEARING: SPECIAL USE PERMIT FOR PLACEMENT OF A DWELLING UNIT IN THE FLOODWAY, SHOTGUN AVENUE, RIFLE, COLORADO APPLICANT: GRETCHEN BECKER ON BEHALF OF REBEKAH A. GONZALES AND CUAY J. JENSON**

Don DeFord, John Barbee and Gretchen Becker were present.

Don determined that notification and publication were in order and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

John Barbee presented the following Exhibits for the record: Exhibit A - Proof of Publication; Exhibit B - Returned Receipts; Exhibit C - Project Report and Staff Comments.

Chairman Smith admitted Exhibits A & B into the record.

John said this is a special use permit for placement of a dwelling unit in a floodplain on property located within the Rifle Village South Subdivision, Lot 6, Block 7 on Shotgun Avenue, Rifle.

Recommendation:

Staff recommends APPROVAL with the following conditions of approval:

That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.

The Special Use Permit shall be issued when all conditions are met, and shall expire 180 days after issuance unless the structure has been constructed. Extensions can be granted by the Board of County Commissioners.

The lowest floor of any habitable portion of any proposed structures are to be constructed one (1) foot above the maximum water surface elevation of the 100-year flood event. Prior to final inspection, the applicant will submit a finished elevation certificate signed by a licensed surveyor, to ensure that all corners of the foundation are at least one (1) foot above the 100-year flood event.

That all construction will also be consistent with the recommendations of H.P. Geotechnical Engineering Inc., noted in their February 13, 1998 report. That the engineer verify that all excavation and foundation bearing strata were observed and that no changes were necessary prior to the foundation being poured.

Chairman Smith stressed that the applicant make sure the foundation was in accordance with the recommended engineering foundation. Condition No. 4 is very important in that area. The engineer's stamp on the line that everything is it done as should be because that's to your benefit.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to close the Public Hearing; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve a Special Use Permit for Gretchen Becker on behalf of Rebekah A. Gonzales and Cuay J. Jenson on property located within the Rifle Village South Subdivision for the construction of a single family unit within the floodplain with all the staff recommendations 1 - 4; carried.

#### ***Building and Planning***

John Barbee mentioned a Zone Change from A/A/RD to AI - *Truck Stop/Feed Store*

The Board felt this could be set on their agenda without going to the Planning Commission.

*Special Use Permit - Accessory Unit - Katherine Cunningham for Robert Rivel*

The Board determined they would hear this as well without going to the Planning Commission.

#### **CONSIDERATION OF MEMO OF UNDERSTANDING WITH TOWN OF NEW CASTLE - FOREST SERVICE, GARFIELD COUNTY - COUNTY ROAD 241**

This was postponed as the Document was not ready.

Re-Scheduled for December 14 - 2:30 P.M.

#### ***Executive Session - County Road 109***

Don DeFord mentioned he needed an Executive Session to discuss acquisition and expenditure of funds on County Road 109.

A motion was made by Commissioner Martin and seconded by Commissioner McCown; carried.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to come out of Executive Session; carried.

#### ***Adjourn***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to adjourn; carried.

Attest:

Chairman of the Board

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**DECEMBER 7, 1998**

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS**

**GARFIELD COUNTY, COLORADO**

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 7, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Administrator Ed Green; Assistant County Administrator Allen Sartin and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

**COUNTY ADMINISTRATOR**

Ed Green gave his report before the Board that consisted of the following: there were about a dozen applicants for the *Personnel Director position*; Y2K changes by default were narrowed to one firm. Allen is working with Don DeFord to draft the contract. The ECS System was selected by the Assessor and Treasurer. The *Jail* - a discussion was held with the Rifle City Council by way of a letter dated December 3 confirmed the discussion where they reached a concession that will include the reduction of tap fees by 20% and an indication on David Hawker's part that the initial need for a fire protection storage tank was eliminated. They also agreed that the timing of the annexation would be appropriate so the County could do the approvals of that building and avoid the permit fee situation. *Rifle Courthouse* - the reversion language associated with the Courthouse will be taken off so the County can keep the building and this includes lift-up. Rifle said they will contribute \$50,000 in extending the sewer main and they will be totally responsible for any enhancements to their sewer treatment plant. David Hawker also said they would take full responsibility for *CR 346* as long as the County agrees to work with them and obtain grants to improve that road. Mike Morgan - *Fire Station* support - Mike felt this would be a valuable resource in support for the jail as well as the Airport. An ambulance and rescue truck will be housed there. The City of Rifle is also going to an apprenticeship basis that will ensure the fire station being manned on a continual basis. Allen's operational cost analysis should be completed by Jan. 10. *Weed and Pest* - Gary Janicek is leaving December 11, 1998 and the job announcement was placed to fill the vacancy. The \$9,000 *Knapweed Grant* placed originally by Dave Gallagher was denied because of lack of specificity in terms of what goals and objectives and a commitment. Dennis Davidson was contacted and that request will be resubmitted after the updates are completed. Allen Chapman - *CCI Conference* regarding Airport Liability Insurance and he indicated that CTSI has recently developed insurance coverage for county liability in the operation of an airport. His staff will be contacted and more information will be obtained. The letter has been prepared for the *appointment of Ed to the benefit board for CCI*.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a letter to appoint Ed Green for the CCEB Insurance Board; carried.

*Community Corrections* - in response to discussions, the judges have increases the numbers assigned to community correction versus jail time. The revenues to the County have jumped from \$800 a month to \$3,000 a month but there is a need for additional resources to monitor additional activities of those folks on the weekend. Ed proposed to obtain a part-time person to assist the *Weekenders Program*. This would be someone with no benefits but would assist the two full-time personnel. It brings additional revenues and improves the facility. Ed said he would like to pursue a part-time person to assist if the Board did not object.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize Ed to seek a part-time person to assist in Community Corrections; carried.

*Emergency Operations* - Ed said they reviewed the list of operations that might result in emergency situations. This will be used for further analysis and discussions. It also triggered concern regarding the status of Y2K conversions throughout the County and particularly the municipalities. They asked Guy to contract all the municipalities to determine their readiness regarding utilities to residents by the year 2000. Each department head in January present SOP's for how they would continue to operate their department in the event the building or critical systems went down. Ed said the heating and ventilation is Y2K ready. The Board had previously approved the attainment of an alarm system for the Judge's chamber to tie into the Communication's system; the lead Ed received was tested and found the signals were okay except for the Judge's chamber. Now they are working with the vendor to see if a repeater can be obtained to

enhance the signal to work in the Judge's chamber. Thank you for *Brian Hammond and Kelley Cummins for their work on the Taughenbaugh Project.*

Commissioner McCown read into the record: "We were recently briefed by the County Administrator Ed Green regarding completion of the Taughenbaugh Painting Project. It is our understanding that this project was completed under budget by inmates and Workenders Program under your supervision. Mr. Green indicated that not only was the building painted but also the handrails and the upper floors of the building were built to current building safety standards. We applaud your attention to safety and replacement of the handrails and the walkways and the outer metal railings. Your diligence and foresight led to a savings of the taxpayers funds. It is also addressed a long overdue visual blight. We can now look at the building with pride and know we are good neighbor to those who are looking at the building everyday. With the completion of the project and in the manner in which you have addressed has raised the standard bar for the other employees in county projects. We are proud that you are Garfield County Employees." All three Commissioners to sign the letter.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to sign and send the letter out to the affected employees; carried.

### **PUBLIC HEARING: CANYON CREEK IMPROVEMENT DISTRICT AMENDMENTS**

Don DeFord explained that he had prepared a Resolution for the Board's signature that amends the current assessment role and schedule of assessments for the Canyon Creek Special Improvement District. It came to light as Georgia was about to assess for next year that the assessment role was inaccurate for two properties. It listed two property owners, each of whom owned two separately platted lots, as owners of single lots. Mr. Lloyd and Mr. Lazier have waived any defects in the original assessment role and Don presented those waivers. He also stated these waivers have been recorded with the Clerk's Office. He spoke with Blake Jordan and Melody Massey about this issue and both of their positions are with those waivers we do not need to go back to a public hearing. He asked the Chair be authorized to sign the Resolution that amends Resolution 98-72 to adopt a correct assessment role for Canyon Creek Special Improvement District.

#### ***Eagle County Housing Issues***

Chairman Smith mentioned a letter from David Carter is appointing a task force to assist with housing issues and may want a Commissioner to serve on the committee.

### **PAYMENT OF BILLS**

Barbara Brown submitted the bills for review and approval of the Board.

Communications has been paying the Sheriff's phone bill for the past two years. They are researching this and a bill will be forthcoming.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to pay the bills and payroll as submitted; carried.

#### ***Tobacco Settlement - Colorado***

The Department of Health will be the recipient of \$2 billion over several years. The State is thinking that some funds should go into the Medicare side due to long-term care. Chairman Smith suspected there would be controversy over this.

#### ***RFRHA - Proceedings - STB***

Don explained that over the course of last week Commissioner Martin met with Don on the current status of the proceedings in front of the Surface Transportation Board (STB) and RFRHA. Commissioner Martin may have been party to some discussions to railroad issues in Colorado Springs and indicated to Don that he wanted an opportunity to speak to the Board on various policy issues concerning the railroad and to discuss the litigation status.

Commissioner Martin wanted to let everyone know that he learned from Dortha Farris at CCI that there had been several letters of support signed by very distinguished people of the State of Colorado from the Governor to the two Congressman, Senators, and some other representatives supporting the continued rejection of offer of financial assistance of STB. Commissioner Martin called and talked to several of those individuals including Russell George and the representative for Scott McInnis and they were very surprised

to hear that Garfield County stance was in opposition to the RFRHA with their letter to STB. In fact they had been told that everything was in line, in order and everyone was aboard and that's why they had sent the letters of support. At that point, Commissioner Martin said this goes back to some confidential information -- attorney/client communications between RFRHA Board Attorney and the Board itself on an issue and he investigated this and found that a couple of things concerned him and therefore is bringing this to the attention of this Board of Commissioners. His doing so is in hopes that the full picture of the need to push forward and the reason Garfield County is being chastised so much because of its stance -- not for the betterment of the citizens and for the expense -- but actually what is behind the scenes. It is confidential and privileged and requested an Executive Session as it is part of the possible litigation.

Commissioner McCown asked if Russell George and Scott McInnis's office were surprised that Garfield County was not on board or were they given bad information that Garfield County was on board?

Commissioner Martin said they felt that they been given information that Garfield County was on board and they were very surprised.

A motion was made to go into an Executive Session by Commissioner McCown and seconded by Commissioner Martin; carried.

Ed Green, Walt Brown and Walt Stowe remained for the session.

A motion was made to come out of Executive Session by Commissioner Martin and seconded by Commissioner McCown; carried.

### ***Policy Implemented***

Commissioner McCown suggested that copies of letters with respect to Garfield County's position with other Federal Agencies be sent to the appropriate State Representatives and Senators. This was decided to be a policy that would be implemented.

### ***Executive Session - RFRHA/STB - Legal Opinions - Preserve Confidentiality***

Walt Brown and Walt Stowe were to remain.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of an Executive Session; carried.

Commissioner Martin made a motion to go ahead and direct staff to draft a letter to our other elected officials from the Governor Elect to the present Governor, Congressman, Senators, and local representatives to please reconsider their stance and remain neutral, withdraw their letter because they weren't informed of Garfield County's stance on this and to allow the government to sort out their problems before everybody else gets involved. He added that the Chair be authorized to sign the correspondence. Commissioner McCown seconded the motion.

Chairman Smith suggested that this letter would have to be worded very tactfully to not alienate someone. Motion carried.

### **JAIL DISCUSSION**

Sheriff Dalessandri, Don DeFord and Al Maggard were present.

#### ***Jail Count***

Total in Jail: 116. 32 main jail; 28 Work Release; 7 females; 4 Home Detention; no Day Reporting; 16 Workenders; no State Hospital; 29 other jails; and 7 DOC.

#### ***Community Corrections Board***

Meeting this Thursday at noon at Hotel Colorado.

### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

#### ***Extension***

Carol McNeel reported the 4H Achievement Dinner - Riverside Jr. High - New Castle at 2:00 P.M. Sunday, December 14, 1998

#### ***Employee Holiday Dinner***

Carol said the 4H kids are excited about the dinner next week. This will be Wednesday, December 16. \$7.00 per person will be paid by the Board of Commissioners.

#### ***Fairgrounds Contract***

Commissioner Martin moved to authorize the Chair to sign a contract for the Fairgrounds for AAA Auction/Randy Smith for December 8 - 16, 1998. Commissioner McCown seconded. Motion carried.

#### **COUNTY BUSINESS - EMPLOYEE OF THE MONTH**

Jean Alberico, Deputy Clerk and Recorder was presented the Employee of the Month award for December 1998.

#### **SWEARING IN - NEWLY ELECTED OFFICIALS**

Mildred announced that Judge Ossola has agreed to perform the ceremonies on January 12, 1999 at 8:30 A.M.

#### **JAIL SITE - DISCUSSIONS**

The discussions were set for the Commissioners Agenda for January 4, 1999 beginning at 2:00 P.M. The Worksession with the City of Glenwood Springs on the MOC site was set for January 5, 1999 at 7:30 A.M. at the Hotel Colorado - Taft Room.

Jail Decision

The final decision on the jail was set for January 11, 1999.

#### **EMERGENCY MANAGEMENT**

Guy Meyer gave his report and follow up on the Airport Exercise saying everyone felt good about this and it gave the responders a chance to provide input. Afterwards they held a debriefing and identified the shortfalls. Some have easy solutions and others will require time to be resolved.

#### ***Taugenbaugh Building***

Commissioner Martin commented to Guy on the painting project at the Taugenbaugh Building and complimented the Workenders on their performance that was over and above just a good job. The Commissioners said they had heard very positive comments.

#### **COUNTY ENGINEER**

##### ***Riding Arena - Architectural Services***

Bob Szrot asked permission for Chairman Smith to sign two contracts related to the Riding Arena, Architectural Services for Porterfield Architects for approximately \$1,000 each.

A motion was made for the Chair to be authorized to sign the Porterfield Architectural Services by Commissioner Martin and seconded by Commissioner McCown. Motion carried.

##### ***Building Steel Erection and Earthworks***

Bob said this is for the steel erection and it will be going out to bid.

#### **SOCIAL SERVICES**

Margaret Long and Don DeFord presented.

Don stated that Margaret had presented a form of contract to the Board that would be executed between Social Services and various providers of day care services to enhance the facilities. The issue of insurance on these contracts. The appropriate level of that insurance was the issue. Don mentioned the County requires insurance at the levels of the governmental immunity act so that the County's insurance up to that level is not brought into play. Those levels are \$150,000 per person or \$600,000 per occurrence. Somewhere along the way, the level of insurance was required to be at the \$1 million level combined. Don did not understand why.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the contract with the insurance levels as normally required by the County Attorney.

Commissioner Martin mentioned that barring any other requirement that the Board is not aware of, then it will come back for discussion. Motion carried.

## **OPERATIONS**

Dale Hancock mentioned that the Garfield County renewal of Emergency Services Work Plan and Budget was increased by \$1000 now totaling \$15,000. He asked that the Chair be authorized to sign the contract.

Discussion

Chairman Smith said she would prefer to wait until the December 14 meeting to see the documents.

Smith - wait until next meeting.

## **BUILDING AND PLANNING**

Mark Bean gave his report that included the following:

### ***Van Hoose - Extension***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to grant an extension request of one year until December 15, 1999 for Matt and Vonnie Van Hoose. Commissioner Martin stated he wanted to make sure the applicant knows they cannot ask for another extension. Motion carried.

### ***Resolution - Eagles Nest - Aspen Glen - Tract A - Preliminary Plan***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Resolution; carried.

### ***Resolution Amending Regulations - Shooting Range***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Zoning Resolution for the Shooting Range; carried.

### ***Request - Acknowledgment - Partial Satisfaction - Aspen Glen - Filing 6, Phase I***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign an acknowledgment of partial satisfaction for the release of \$792,277.00; carried.

### ***Aspen Glen - Release - PD Park and Lakes Filing 3***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign a final release for PD Park and Lakes Filing 3 for \$22,325.00 for the completion of improvements; carried.

### ***Release - Acknowledge of Battlement - Fairways Subdivision - Phase I***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign a release of funds for \$344,581.59; carried.

### ***Referrals to Planning and Zoning***

#### ***Gleason - SUP - RV Storage - Gleason - Mamm Creek***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer the Special Use Permit for an RV Storage for Pat Gleason to the Planning & Zoning; carried.

#### ***SUP - Assessor Dwelling - Broadhurst***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer the Special Use Permit for an accessory dwelling for Broadhurst to the Planning & Zoning; carried.

### ***Request - SUP - Rifle Village South***

A determination was made that this could be set for the Board to hear.

### ***Gardner - Hwy. 82***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to refer the Special Use Permit to the Planning & Zoning. Since this is a RFRHA crossing the Board wanted Mark to notify the different agencies for comment. Motion carried.

***SUP - Gib and Lee Plimpton - Assessory Dwelling - Teller Springs***

This was set for the Board's agenda as a Public Hearing.

***Plat - Amended #E 31 - Aspen Glen***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign an amended plat for Aspen Glen Lot E 31 moving lot lines to make the building envelope larger. McCown - aye; Martin - aye; Smith - nay.

Overflowing and Freezing Ditch - CR 246 - Eric Williams

Commissioner Martin asked Mark to have King check into the Williams ditch as it is a hazard.

Mark said he would try to have a report by Road and Bridge time on the agenda at 1:00 P.M. today.

**CONTINUED PUBLIC MEETING: VACATION/DEDICATION CR 162 APPLICANT: ADRIANNE CROUCH**

A motion was made by Commissioner Martin and seconded by Commissioner McCown to continue this to December 14 at 9:45 A.M. Motion carried.

***Executive Session - Nystrom***

A motion was made to go into an Executive Session by Commissioner McCown and seconded by Commissioner Martin; carried.

A motion was made to come out of Executive Session by Commissioner Martin and seconded by Commissioner McCown; carried.

Don DeFord summarized that a motion would be needed to cancel the December 16 workshop with the Town of Carbondale to discuss East Mesa and potential development.

Commissioner Martin proposed this motion. Commissioner McCown seconded. Motion carried.

**FINAL PLAT APPROVAL - LACY PARK SUBDIVISION**

Don DeFord, Mark Bean and Joe Hope were present.

Don said the Plat and SIA Agreement are ready for signature of the Chair except for a letter of credit for security. He asked that the Chair be authorized to sign the Plat and SIA but to have the Clerk & Recorder hold until the letter of credit is received.

Commissioner McCown so moved. Commissioner Martin seconded. Motion carried.

**PROPOSED BUDGET ADOPTION**

Allen Sartin and Ed Green were present.

Allen was asked to explain the memorandum referencing Public Health Nurses and Georgia Chamberlain. Allen said the adoption of the 1999 budget was in front of the Commissioners today. The numbers and information included represent the budget proposal as the Board saw in October 1998 amended to include the four changes directed -- three position additions plus the health insurance for the Coroner, errors, omissions and corrections that were completed after the department heads provided Allen feedback.

Mildred said the only thing recorded in the minutes on the health insurance for the Coroner was where Ed would check it out. There was no motion to proceed with this. Therefore, she suggested that the minutes reflect the approval.

Ed said he spoke individually to the Commissioners and there was an interest in it.

Chairman Smith suggested Ed explain how Allan Chapman addressed this.

Ed said the way to accomplish this would be have the Coroner be paid a monthly salary, even a dollar and this would be the best way to integrated into their system.

Allen said the Insurance was figured into the budget.

A motion was made by Commissioner McCown to include the Coroner into our Health Program and pay a salary not to exceed the amount of the family contribution or otherwise \$12 a year. Commissioner Martin; carried.

Discussion was held on the proposed budget document.

Allen mentioned that the Fund Balance will be \$5 million plus after the year-end of 1999. The County is well over the desired fund balance. Most of it is a carry-over in the past years.

Commissioner McCown made a motion and Commissioner Martin seconded to approve and adopt the budget and appropriations for funds for the fiscal year 1999 as presented; carried.

#### ***New Approach to Budget - Trial Period***

Allen explained that he had selected several departments to participate in a program approach to each budget. Nursing was one example - they run four major programs and this will assist the department in organizing their line item budget by program cost centers. This will assist in evaluating expenditures and revenues easily.

#### **DISTRICT ATTORNEY - BUDGET PRESENTATION**

Mac Meyers presented his budget before the Commissioners. He added that Pitkin County has approved their portion of his budget. Rio Blanco has some issues they want to discuss.

Chairman Smith mentioned the Commissioners in Rio Blanco were concerned about the victim's/witness line items.

Mac explained that his budget was divided as: 64% - Garfield County; 24% Pitkin County; and 12% Rio Blanco.

Mac provided the Commissioners some statistics: January - October 1998 sexual assaults - 64 in the District and 50 or 77% occurred in Garfield County; 1 in Pitkin County and 13 in Rio Blanco County. Felony Assaults - 27 in the District and 88% were committed in Garfield County; 4% in Pitkin County; and 8% in Rio Blanco. Domestic Violence Cases - 262 in the District and 81% in Garfield County. Crimes against persons as opposed to property crimes is that these are the offenses that fall within the statutory and a there is a substantial amount of time invested in each crime victim.

Mac said the assault and domestic violence are about the same but sexual assaults have increased and gone off the scale this year in Garfield County as well as juvenile perpetrators which is something he hadn't seen until this year.

Chairman Smith voiced her concern to the increase in staff handling the victim/witness program.

Mac explained that this was primarily related to domestic violence but now this program has expanded to four staff people. Last year even with four individuals the program was still lacking due to the volume of victims. Victim services is difficult as it is like working with an emotional sponge. The staff do a very special job. He added that he was looking to the Commissioners to bring this program to the level of service it needs to be.

Mac explained that all felony, juvenile and domestic violence cases were handled in Glenwood Springs Courts and Rifle Court is an Associate Court and they only have jurisdiction over misdemeanor and traffic. Chairman Smith mentioned that one county has agreed to Mac's budget and two haven't and therefore suggested that Mac table this and come back to the Board. She said one of the Rio Blanco Commissioners wants to meet with the Board of County Commissioners however she suggested that Mac call and speak to them and see if this could be worked out.

Allen mentioned that next year they would start earlier and coordinate between the three counties on the budget.

This was continued until 3:30 P.M. today.

#### **AIRPORT AUTHORITY BUDGET PRESENTATION**

Barry Hamilton, Klaus Schattleitner and John Newton were present for the budget discussion. The members asked to have the Board tour the new buildings at the Airport and keep the Commissioners updated.

Barry Hamilton mentioned that the Authority needed one more member appointed by the Commissioners. *C-DOT Aviation Committee*

Garfield County might receive some funding from them or grants for the airport.

*Handouts - Updated Financials*

Barry explained the handout saying they were through September. He said he was pleased with the estimates. The summary of the proposed 1999 budget was also submitted and Allen was thanked for all the work that he did as well.

Chairman Smith agreed that the budget was very easy this year and also thanked Allen.

A fund balance of \$176,000 was projected for the current 99 budget and projected a fund balance of \$60,285.00. Barry added that previously the oil shale trust money has been used. At the end of 1999 some changes will need to be made in the revenue streams requiring money to come in from somewhere.

Discussion was held.

Klaus mentioned they were aware that an increase in airport traffic was needed to increase the income.

Allen mentioned that the Airport Authority must adopt their own budget. The Commissioners adopted the County's budget which has a grant of \$69,000.

### **APPROVAL OF ROAD AND BRIDGE EQUIPMENT LEASE WITH BAYSTONE**

King Lloyd, Ed Green, Allen Sartin and Don DeFord were present.

A motion was made by Commissioner McCown and seconded by Commissioner Martin for the agreement and equipment lease with Baystone Financial Group for a total package of \$1,961,765.00. The motion included at the time when the contract was in place a wire transfer of funds to Baystone would be done; carried.

### **ROAD AND BRIDGE DISCUSSION**

*Road Discussion - Williams*

King Lloyd commented on Eric Williams, the ditch overflow and icing problem. The maintenance records were reviewed. Mr. Williams had previously inquired as to the possibility of the road being paved. King mentioned the road showed it did not need to be paved. Recently, some neighbors have written requesting that the road not even be bladed as much as they had been doing. The smoothness of the road was causing people to speed causing problems for walkers and bicyclists.

Commissioner McCown referred this as an issue for enforcement.

*Landfill*

King received a letter from the State of Colorado Health Department that they had inspected and gave a pat on the back for being a good facility. King talked with Donna and she understands there is some information the County is getting to her. Donna has requested the County to get her a letter of the terms that still need to be completed. Allen, Ed and King met on this and Allen needs to get the review time. King will send a letter to Donna that the County will be completed by February.

*Procurements of New Equipment*

King submitted the bids for the two pieces of equipment -- the Tag Axle for the Rifle Shop and the Belly Dump Trailer for the Silt Shop. This came in under what they estimated.

Commissioner McCown made a motion to authorize the purchase of the Tag Axle from Imco for \$16,750.00 and \$27,715 for the Belly Dump from Hanson. Chairman Smith stepped down as Chair to second the motion; carried.

### **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

*Dave Force* brought the proposed road change on *CR 160* by the Airport before the Commissioners. Dave mentioned he had heard rumors that 160 road may be changed.

Gene Park - Battlement Mesa, Colorado

*Colorado Oil and Gas Commission*

Gene inquired if the Board received a notice of a hearing - from Colorado Oil and Gas Commission. Gene requested a line of communication between this Board of County Commissioners and the Battlement Mesa Citizen's Alliance. He got this letter he was referencing from Western Colorado and mentioned it was because the Battlement Mesa Committee was copied.

The Board said they did not receive a copy of the correspondence.

## **GLENWOOD SPRINGS LIBRARY LANDSCAPING ISSUES**

Mark Bean, Bob Szrot and Jaci Sphuler were present.

Bob mentioned the landscaping issue and fence, that he was proceeding along with the library. Dean Moffat expressed concern regarding the lease agreement with the City of Glenwood Springs. Bob mentioned that he had reviewed the lease very carefully and no where in there does he see any reason not to proceed with the planned landscaping.

Ashton Durrett claimed there was a lot of neighborhood opposition and agreements between the library and City and felt it should be grass with an open concept. Bob asked for guidance.

The water problems are fixed. Landscaping is now the issue.

Ashton Durrett - 914 Blake Avenue - noticed the work that has gone on. He said Bob mentioned it was advertised but he didn't pay that much attention until the fence started going up. His concern is the visual impacts. City Council, before 1981, purchased the property from St. Barnabas Church. At the time the City was interested in establishing a neighborhood park. The buildings were landscaped. In 1982 the library didn't have a place to go and needed the space. As a consequence they came to the City and asked if they would build a library on the property. The consensus that this would be a win win situation. They were informed that the property was purchased to be a neighborhood park. What the site is to look like is ambiguous. He vaguely remembers it was to be green space and wants to keep it like it was -- with grass. He noted there has been a drainage and other problems through the life of the building. Now the elevations have been corrected and would suggest to go back to where we were and maintain a balance.

Chairman Smith mentioned that Jaci Sphuler came in to discuss the problems with the Board. The Board directed Bob to talk to the City. The City supports what was being accomplished. Chairman Smith took responsibility for the Xeriscaping due to the problems they were having.

Ed mentioned that on September 21 a memo was signed as to what would be changed including the Xeriscaping.

Commissioner Martin recalled there were to be 26 benches, 7 trees, and the Library would keep civic activities.

Dean Moffat - 326 2nd Street of 901 Blake - commented and obtained a clarification as to where the grass and shrubbery might be replaced. He claims the property outside the Library building is for patrons and to be for a park and that definitely includes sod, trees shrubbery and benches.

Original development shows what was approved for the permit. Also shows the addition to the Library was built on what was supposed to be used for a park. Since 1982 this has been seen as a neighborhood park and has been used by people going to and from the library both within the neighborhood and the community. It's a school bus pickup area; has been used as a vest pocket park. What has happened is the baby's been thrown out with the bath water.

The fence contains the two landscaping areas. The fence implies they cannot go into the open area. This is exclusionary of the community people.

Complimented Bob on the work he has done. - shows the compromise.

Commissioner Martin made reference to an agreement and he read into the record under Article 2 "the lease premise shall be used for a public library and related purpose and for no other purpose whatsoever and shall be open and available to the general public and the residents of Garfield County without discrimination to color, race or religion."

Jaci Sphuler thanked the Board and Bob for helping the library. She said the library threw themselves on the mercy of the Board in dealing with this water situation. Their main purpose in the Xeriscaping was first of all to keep the building dry and functional outside for story time.

Xeriscaping saves money on water and grass mowing; it keep water off of the building; and the cost was \$3,000 to do concrete. She added that the fence is negotiable; it keeps little kids from running into the street. Regardless of the fence, it was not intended to be any type of obstruction for the public. But this is not the issue, it has been ADA compliance. The main concern is to get the building as a water-free library. She said she leaves it up to the Board.

More discussion was held as to some possibilities of compromise.

Vi Park on the Library Board addressed the fact that a few splinters from the rail fence would be better than children running off property.

Sheila Markowitz mentioned she would like to see a compromise and was in favor of the fence being removed. She thinks the fence is intimidating.

Commissioner Martin made a motion to compromise the situation and put some of the green space back in the plan near the curb and sidewalk, keep the benches, 15 trees, and look at either opening the fence where the Library Board and the Library staff feel is necessary or removing it altogether and leave everything else as it planned.

Commissioner McCown seconded.

Chairman Smith stated this was a good compromise.

Motion carried.

#### **EMERGENCY MANAGEMENT - COGNITIVE SKILLS CONTRACT**

Guy Meyer and Don DeFord

Guy explained that this was a grant by the criminal justice system and classes are to be developed. He added that the service is to be provided by CMC 2 nights per week.

Don added that this is an education services teaching basic life skills -- keeping your check book, etc.

Guy will discuss this more with CMC and bring it back.

#### **DEDICATION AND VACATION PORTIONS CR 114**

Don DeFord and Larry Green were present.

Larry explained the plat saying that it arose with the work at Los Amigos on the construction of the left hand turn into the Los Amigos Ranch. They discovered the County did not have a deeded right-of-way and he submitted a map that explains it. The request is asking the County to vacate this historical right-of-way and approve a deed that CMC has executed that grants to the County a 30 foot right-of-way. Step 2 would be to do a supplemental plat and it would not result in the change of the property line, but it would remove the encumbrance of the old historical right-of-way to have a park or similar. This would be over an acre and Los Amigos would record the deed from CMC. The Board would act on the vacation and prepare a resolution; the plat would be signed, however they would prepare a package to be signed all at once. Don mentioned this was a Public Hearing and the record should reflect that adequate and timely notice was given.

Don explained that what the Board would do is authorize the Chair to sign the resolution vacating the roadway, and accept the right of way as described by Larry and have Mildred hold and record after all the documents were received. Subsequent consideration would be receipt of the original deed from CMC as well as the supplemental filing and then set it for consideration.

Commissioner McCown so moved. Commissioner Martin seconded; motion carried.

The matter was set for December 14 at 11:50 A.M. for consideration of the Board.

#### **PUBLIC HEARING ABATEMENTS: COTTONWOOD SPRINGS MOBILE HOME PARK -- AGNES HOUSEMAN, DUDLEY W. HAWKINS, CASTLE VALLEY CENTER, LLC.**

Shannon Hurst was present.

Chairman Smith swore in the speakers.

Sharon presented the following Abatements:

Cottonwood Springs Mobile Home Park

Dudley W. Hawkins for \$2505.43; Castle Valley Center, LLC. for \$3,521.18; Cottonwood Springs Mobile Home Park for \$17.58; and Agnes Houseman for \$181.24.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to approve all abatements as presented; carried.

A motion was made to close the public hearing by Commissioner Martin and seconded by Commissioner McCown ; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to approve the following abatements: Cottonwood Springs Mobile Home Park; Agnes Houseman; Dudley W. Hawkins and Castle Valley Center, LLC.; carried.

#### **PEST AND WEED UPDATE**

*Gary Janicek leaving his position.*

Gary Janicek gave the report and mentioned he would be leaving at the end of the week to assume his new job in Chaffee County.

Willa Holgate can fill in until the County finds a replacement.

*Project - Knapweed - White River National Forest*

The Project Gary was working on with Tom McClure from the White River National Forest on the Knapweed project up Divide Creek treating the roadsides of all that area. Tom was putting a grant together and their interest is to keep from spreading onto the National Forest land from the County Road. He will include a sprayer unit in his proposal. The goal is to spray the Knapweed one-time with this money and then maintain.

*Chemicals On-Hand*

Gary mentioned there was approximately 40 gallons of liquid chemical and 500 pounds of dry chemical. Currently this is being stored at the Airport but Paul is wanting to tear the building down and so there is a need to find a new place to store the chemicals.

Ed said that he will talk to Guy about it.

Gary will be missed and Chairman Smith said they appreciated him.

Dennis Davidson came before the Commissioners.

Ed mentioned they were going to fill Gary's vacancy and then worry about the other funds. The State has mentioned there were other funds available in addition to the \$9,000 grant to accomplish the Knapweed spraying.

Dennis mentioned that Dry Hollow needs to have a management plan and landowner input. In order to accomplish this there was a need for community meetings.

Commissioner McCown mentioned that some sources of weeds are from the gravel pits.

*District Attorney - Budget Update*

Mac Meyer said he talked with Commissioner Tom Judd from Rio Blanco and he stated his concerns were with the rent issue and Victim's responsibilities.

Mac mentioned that he had explained the statutory requirements for Victims/Witnesses.

The two Boards need to get together and discuss some issues after the first of the year.

Commissioner Martin mentioned the Trident situation and inquired what was going on.

Mac mentioned they had located some space and were looking at the basement level of the bank at 9th and Grand to lease. They will use Hide-A-Funds and hope to be in by January 1999.

Mac stated that Carbondale and Rio Blanco came back in July. Silt for sure, State Patrol and the new chief in New Castle has committed.

Commissioner McCown moved to approve the budget for the District Attorney as submitted.

Commissioner Martin seconded; carried.

**PUBLIC HEARING: SPECIAL USE PERMIT TO ALLOW INDOOR/OUTDOOR STORAGE AND CONDITIONAL USE PERMIT TO ALLOW A HOME OCCUPATION -- PROPERTY LOCATED AT 508 CR 225, RIFLE, CO. APPLICANT: KEVIN RUNIA**

Chairman Smith mentioned the public hearing was not noticed and this would need to be reset.

John Barbee and Don DeFord were present.

This was rescheduled until January 18, 1998 at 2:00 P.M.

**PUBLIC HEARING: SPECIAL USE PERMIT TO ALLOW INDOOR/OUTDOOR COMMERCIAL RECREATION, HORSE ARENA. PROPERTY LOCATED AT 0179 CR 225 - ANTLERS LANE, RIFLE, COLORADO. APPLICANT: FRANK AND ROSEMARY FRASER**

John Barbee, Don DeFord and Frank Fraser were present.

Don DeFord determined that publication and notification was not timely - it was not published until November 25th. Information was late from the Planning Department. He stated the Board needed to decide if the meeting should proceed. The notice was two days late.

Commissioner McCown felt it was noticed okay and so moved to proceed. Commissioner Martin agreed and seconded. Motion carried.

Based on this motion, Don stated the Commissioners were entitled to proceed.

Chairman Smith swore in the speakers.

John Barbee presented the following Exhibits: Exhibit A - Returned Receipts Exhibit B Publication Exhibit C Staff Report and Attachments Exhibit D Copy of the Applicant's Certificate of and Insurance and Bond E - copy of Code Enforcement

Chairman Smith entered Exhibits A - E into the record.

John said this is a special use permit to allow Commercial Recreation in the A/A/R/RD zone on a 22.7 acre tract of land --CR 216 and 719 CR 225 Antler Lane, Rifle.

The proposal would utilize an existing outdoor arena located on the southern portion of the subject property, fronted on the south by CR 210 and by CR 225 on the east. The primary outdoor activity would be special events, outfitting, horse boarding, horse training and working cattle.

The Planning Commission voted unanimously to APPROVE this Special Use Permit with no conditions. Staff recommends DENIAL, that although the proposed use is desired by some citizens in the area, the application as submitted does not provide a level of detail as required to properly mitigate all potential impacts of said use and the use as proposed is not located in a feasible location based on road access, future adjoining residential growth and the introduction of an intense commercial use into a primarily urban area.

Commissioner McCown comments it was part of the right to farm and did not feel it was commercial.

Commissioner Martin felt that without restrictions it would be inappropriate.

Chairman Smith mentioned that she had concerns regarding noise, dust and floodlights.

Discussion was held between the applicants and the Commissioners.

Frank Fraser mentioned the traffic is all in a very clear view. There is a restricted view on one County Road; speed is controlled. Agricultural people are using this anyway and they are accustomed to driving horse trailers. This is an equestrian arena and will be used for 4H, roping events, high school rodeo kids and neighborhood. No gate fees are collected. Frank has talked to all their neighbors -- Skip Lloyd spoke against this.

Commissioner Martin suggested some unskilled drivers did cause some problems in the neighborhood.

Suggested some type of parking scheme.

Frank said they could control this.

evin Runia spoke in favor of approval for this Special Use Permit saying it was not a problem for him.

Commissioner McCown moved to close the Public Hearing. Commissioner Martin seconded. Motion carried.

A motion was made by Commissioner Martin to go ahead and approve the Special Use Permit with a few conditions: 1) no signs on the premise showing advertising for a commercial operation through advertisement on the property; 2) address the dust when necessary, 3) that the lights will be pointed down and towards the arena and try to mitigate the glow as much as possible; 4) the hours of operation not exceed 12 midnight; 5) parking scheme to avoid hazards put into place, 6) also patrolling of the area by the property owner when events take place that there is not improper parking or hazards and work with the Sheriff's office; and 7) that the noise and the placement of the speakers be realigned to minimize the output of noise to the surrounding area.

Commissioners McCown seconded.

Chairman Smith mentioned that it was brought to our attention without them going through the proper channels and that this was real important. Additional she would like to have a review in December of 1999 to be sure that everything was going as the conditions were put in.

Commissioner Martin amended his motion; Commissioner McCown seconded the amendment and motion; carried.

**PUBLIC MEETING: FOR EXEMPTION FROM THE DEFINITION OF SUBDIVISION TO CREATE FOUR PARCELS OF 5, 15, 10 AND 10 ACRES (MORE OR LESS). PROPERTY LOCATED AT 531 CR 260, SILT, COLORADO. APPLICANT: LARRY SPAULDING**

John Barbee, Don DeFord and John Spaulding were present.

Don determined that notification was in order and the Commissioners were entitled to continue.

John said this is an exemption from the definition of subdivision on a 40 acre tract of land located approximately 3 1/2 miles north west of Silt.

John Barbee gave his staff report.

Recommendation:

Staff recommends APPROVAL, with the following conditions of approval:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

A Final Exemption Plat shall be submitted, indicating the legal description of the property, dimension and area of the proposed lot, 25 feet wide access to a public right-of-way, and any proposed easements for setbacks, drainage, irrigation, access or utilities.

That the applicant shall have 120 days to present a plat to the Commissioners for signature from the date of approval of the exemption.

That the applicant shall submit \$200.00 in School Site Acquisition Fees for the creation of the exemption parcel

That the following plat note shall appear on the Final Exemption Plat.

"Control of noxious weeds is the responsibility of the property owners."

"One (1) dog will be allowed for each residential unit within a subdivision and the dog shall be required to be confined within the owners property boundaries."

"No open hearth solid-fuel fireplaces will be allowed anywhere within an exemption. One (1) new solid-fuel burning stove as defied by C.R.S. 25-7-401, et.seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances."

"All exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of the subdivision, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries." will not be pursued."

Prior to the approval of an exemption plat, the applicant will demonstrate that the well for Lot 1 will meet the following:

- 1) That a four (4) hour pump test be performed on the well to be used;
- 2) A well completion report demonstrating the depth of the well, the characteristics of the aquifer and the static water level;
- 3) The results of the four (4) hour pump test indicating the pumping rate in gallons per minute and information showing draw down and recharge;
- 4) A written opinion of the person conducting the well test that this well should be adequate to supply water to the number or proposed lots;
- 5) An assumption of an average or no less that 3.5 people per dwelling unit, using 100 gallons of water per person, per day;
- 6) The water quality be tested by an approved testing laboratory and meet State guidelines concerning bacteria and nitrates plus suspended solids.
- 7) If the well is to be hared, a water sharing agreement will be filed with the exemption plat that defines the rights of the property owners to water from the well.

That the applicant, and any future property owners of said property agree to, as a condition of future continued approval of the special use permit, that if, in the future event that the property described by this special use permit, has the reasonable ability to connect with any municipal or centralized water and/or sewer system, the subject property owners shall be required to connect to said service and remove any existing well head(s) and individual sewage disposal system(s) which may be located on said property, within one year of the effective date of service availability."

That prior to final recordation of the subdivision exemption plat, the applicant obtain approval of a well permit and a West Divide water allotment contract.

That the applicant provide a well sharing agreement for lots 2, 3, and 4.

Commissioner Martin wanted to make sure that the water was usable and consumable water.

Commissioner McCown made a motion to approve the Exemption for the applicant Larry Spaulding with the attached staff recommendations 1 - 9 and the request under the water that he has the water tested for suspended solids.

Commissioner Martin seconded; carried.

#### **REVIEW CONTRACTS: COUNTY ATTORNEY, COUNTY ADMINISTRATOR**

Executive Session - Don DeFord and Ed Green (separately) to discuss engagement of services.

Commissioner McCown moved to go into an Executive Session and Commissioner Martin seconded; motion carried.

Commissioner McCown moved to come out of Executive Session. Commissioner Martin seconded; carried.

#### ***Adjourn***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to adjourn; carried.

Attest:

Chairman of the Board



DECEMBER 14, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 14, 1998 with Chairman Marian Smith and Commissioners Larry McCown and John Martin present. Also present were County Commissioner Elect Walt Stowe, County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

**COUNTY ADMINISTRATOR**

Allen Sartin gave his report before the Board that the newspaper had included an error in the amount employees were to receive next year and he was quick to point it out to them.

Commissioner McCown said he received a call as well from Road and Bridge and he corrected them. Mildred stated the correction was made in her office as well.

***Lease Agreement - Road and Bridge Equipment***

Allen stated he had been working on the Bond Agreement and is waiting for a response from the Bond Attorney to determine how the County can proceed.

***Motor Pool***

The draft materials will be submitted by January to review with the various department heads.

***Personnel Director***

Ed said he had approximately one dozen applicants for the Interim Personnel Director position.

***Rural Resort***

Chairman Smith reported that at the Rural Resort a discussion took place and what they approved was an additional allocation over and above the \$5,650. They wanted to put in some project accounting. In looking at the budget she commented it looked like there was \$30,000 placed in review. She suggested having the \$35,650 to cover all projects.

***Fair Dates - Discussion***

Chairman Smith asked for a discussion regarding the Fair.

Allen mentioned the Eagle County Fair was 8-1 to 8/8 and the Garfield County Fair is from 8-6 to 8-15 and the conflict is the meat packing plants.

Chairman Smith mentioned that Garfield County had preference with the meat packing plants and the problem occurs with the meat sales.

Ed was asked to contact the County Administrator in Eagle and advise him there is no way that Garfield County can change the dates.

***Letter - Eagle Scouts - Douglas Alan Hayes - 1999***

A motion was made by Commissioner Martin to authorize the Chair to sign a letter of Congratulations to Douglas Alan Hayes regarding the Eagle Scout Award. Commissioner McCown seconded; carried.

***Tickler File - Discussion***

Ed commented that all the references on the Tickler File were up to date with the exception of the basement and the walk-through at the Taughenbaugh Building. The Taughenbaugh Building walk through will be scheduled after the first of the new year.

***Jail Walk Through***

Ed was directed to schedule the Walk Through at the County Jail for January 4, 1999 at noon.

The Board would plan to have lunch while on their mandatory inspection.

***Jail Site - Airport - CoGen - Possibility of Supplying Heat***

Ed commented that a discussion had occurred that he would check into further regarding the possibility of the CoGen Plant supplying heat to the jail if it was located at the Airport site.

***Meetings with Bob Howard***

Ed mentioned he had meetings scheduled with Bob Howard to discuss the possibilities of the Rifle site.

***Draft Contracts - New Review Policy***

Ed stated he received a letter from Don DeFord regarding various agreements with Phil Vaughan. He mentioned he will look it over and determine the direction he needs to take. The concern Don mentioned was that a lot of folks were sending him draft contracts and he was overwhelmed with the number coming in. Ed agreed to look at them first, make modifications to them and then sent them to Don for final review. The Board approved of this process.

Ed referenced the kinds of contracts being referenced included: Architect/Engineer Agreements - 2 for the Fairgrounds; Several Construction Contracts - Fire Station Modification Contract to extend the time period; Modification to the Taughenbaugh Building to expand for Social Services and Public Health.

***Department of Health Meeting - Landfill***

***Solid Waste Systems***

Allen was asked to monitor these modifications regarding the financial assurances.

Allen commented that the State has generally been making the rules easier to comply with on financial assurance.

***Federal Re-Organization - Delegating Mandates with No-Funding - C-DOT***

The Board recommended Allen attend these meetings.

***Trident Grant***

Chairman Smith asked for a discussion on the match from the County for the Trident Grant in the budget. Allen responded that it is matched and those included in the Trident Program included: Garfield County, Glenwood Springs, Carbondale, Silt, Basalt and Rio Blanco. Allen mentioned that the Trident Funds were in the budget and assuming additional revenue comes in that they are requesting, it cannot be spent until the Commissioners authorize an increase in the appropriation for expenditures.

A motion was made by Commissioner Martin to authorize the Chair to sign the Trident Grant for the appropriate match. Commissioner McCown seconded. Motion carried.

**COUNTY ATTORNEY**

Don DeFord mentioned the following:

***Translator - Sweet Hill Site - Located CRMS Property***

Don mentioned the form of Agreement that he and Bob Emerson have been discussing has a provision in it as all agreements for indemnification that runs to the County for the use of County property.

Bob and Don have been talking regarding the indemnification. Bob, as Town Attorney for Carbondale, says that he will not recommend his Board sign any agreement that has an indemnification against the Town.

Don explained that the Sweet Hill Site is located on CRMS Property and the County is the lessee and all they want is use of the building.

Don asked if the Board wanted him to move forward with an agreement with the Town of Carbondale that didn't include an indemnification provision for this specific site.

The Board directed Don to move forward.

***Contracts - Attorney and County Administration***

Discussion on the contractual agreements for Don and Ed would be held at 5:00 P.M. They could option to have these held separately and in Executive Sessions should they so desire.

***CCI - Social Services***

***Consideration - Social Services Addendum - State Memorandum Of Understanding for Kathryn Schroeder.***

Don mentioned that Margaret Long would be presenting this before the Commissioners on December 21, 1998.

***Consulting Contracts - Understanding for County Administrator - Authorization***

Bob Szrot and Don DeFord presented a request for consideration before the Commissioners. Don explained what they were asking was an authorization for Ed to sign contracts under a certain amount - \$10,000.

***Discussion***

The Board expressed a concern that they wanted to see all Contracts, especially for the benefit of the Auditors and in order for the Commissioners to stay informed on all financial matters.

**ACCEPTANCE OF QUIT CLAIM DEED RE: ROW ODIN DRIVE - CHARLES J. BAKER**

Don DeFord and Dan Baker were present.

Don mentioned that this is a dedication of right-of-way. The County Surveyor has verified the legal description. A Resolution was submitted together with the proposed Quit Claim Deed and Legal Description. To make this officially a public road and of record the Board needs to pass a Resolution that accepts the dedicated right-of-way as a County Road. The deed and Resolution will be recorded. The purpose of this is to actually split this property.

***Resolution - Baker***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the Resolution concerned with accepting the dedication of the portion of right-of-way of County Road - Odin Drive - and the quit claim deed; carried.

**JAIL DISCUSSION**

Sheriff Dalessandri, Deputy Jim Sears, Dale Hancock and Al Maggard were present.

***Jail Count***

Total in Jail: 128. 47 main jail; 29 Work Release; 5 females; 4 Home Detention; no Day Reporting; 21 Workenders; no State Hospital; 23 in other jails; 8 DOC in other jails and 1 in Garfield County. The inmates housed in other jails include: Clear Creek, Summit and Mesa.

Tom reported he has been working on the issue with Glenwood Springs exploring the possibilities on the MOC site.

Commissioner Martin mentioned conversations included with the City of Glenwood Springs were a deed swap; a lease and lease exchange; and discussions on the existing site. Sam Skramstad and Bob Zanella felt either would be acceptable. The terms need to be continually discussed that include the lease, setbacks, City would remove all other buildings, length of time needed to be included; fees and utilities; and a parking scheme. The site will be visited for square footage to see if it is workable. Also is it workable with finances that are available. Soils -- the results are being processed and should be ready next week.

Ed mentioned that he and Dale are talking with City Manager David Hawker on the Rifle site. They are putting together all the possibilities of all sites.

Commissioner Martin asked for negative or positive input and moved the next discussion up to the 4th of January.

Dale added that he and Ed will be meeting on Friday with Bob Howard and CoGen to discuss the Airport site and the potential for obtaining heat from CoGen plant.

**COMMENTS FROM CITIZENS NOT ON THE AGENDA**

Jim Sills - 45705 Hwy.. 6 & 24 - Canyon Creek regarding the annexation of property - Rifle.

Jim said he had to revise the plat and the legal and left it with Don. Don added that he left this in the hands of County Surveyor to review the legal description.

***Abstract Bids - Contract - Concrete Replacement - Taughenbaugh/Rifle Courthouse***

Ed mentioned the concrete replacement at the Taughenbaugh Building and Rifle Courthouse.

He added there was money available in the 1998 budget. They did get bids from three different entities.

Ed explained that there are some places in the concrete where there is uneven surfaces and creates a safety

hazard and this is the reason they are looking into it. Originally they thought they would defer action on this until next year but since the funds are available that's the reason they went ahead and asked for bids. Chairman Smith this was the reason the Commissioners requested that contracts come before them because this is entirely new and the Board knew nothing about it.

Commissioner McCown asked the size and scope of the work.

Ed said the total of the low bid is \$13,250.00 and includes removing and replacing sidewalks at the Taughenbaugh Building which is a small amount of money -- \$2700; the rest is at Courthouse involving replacing the old concrete sidewalks, planters, and replacing some landings on the stairway and repairing the handicap ramps.

Ed mentioned further that this was recommended by Bob and Rich. Vaughan, ConSy and STP submitted the bids for the work.

Chairman Smith suggested to talk to the Rifle Planning Department before removal of those planters take place. This may be due to a requirement of landscaping.

The Board reviewed the bids.

Ed mentioned that Rich and Dale put the RFP out.

A motion was made by Commissioner Martin and seconded by Commissioner Martin to delay the award for the concrete replacement until Spring when the weather is warmer; carried.

#### ***Contract - Watershed 208 Plan***

Ed submitted the Contract for the Watershed 208 Plan for review of the Board.

Commissioner McCown made a motion and Commissioner Martin seconded to authorize the Chair to sign a contract with the Colorado Department of Health for the upgrade of the 208 Watershed Plan for Garfield County; carried.

#### **COUNTY BUSINESS - BUILDING & PLANNING REPORT**

Mark Bean submitted the report and updated the permits for the Board. Total number of permits is holding at an equal pace. Residential slightly lower -- 230 versus 252. The other types of permits and commercial are higher. Total fees year to date in valuations are higher.

Activity areas are fairly evenly distributed between Carbondale, Rifle and Battlement Mesa; Glenwood Springs is less in the totals. Rifle and Silt are becoming more active.

#### ***Codes Enforcement Report***

Mark gave the report for Steve Hackett.

Steve is very active and his case load is increasing. The general response is when the folks are made aware, they attempt to resolve it; however, sometimes it involves a discussion at the Attorney's Office. Discussion was held on Conditional Use Permits for a Home Occupation with and without impacts to the neighborhood.

#### ***Amended Lots 1 - 7 - Mountain Meadows at Prince Creek***

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign the plat when presented with proper signatures; carried.

#### ***Amended Plat - Peaks at Aspen Glen - Filing No. 1***

Mark explained this was redefining the lots.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to authorize the Chair to sign; carried.

#### ***Amend - Boundaries Colodney Exemptions***

The Board said they did not have a problem with this and said Mark could proceed.

#### ***Lucille Fischer - Extension***

Mark mentioned this was a request for a full year extension. The Board approved a full year extension until February 2, 1999. Mark said if she extends this, then she will need to start over.

#### ***Operations - Emergency Management System***

Dale Hancock asked for a signature at last week's meeting on the annual Emergency Management Service (EMS) subsidize for \$15,092.33. Don's reservation on this contract was the rescision of the work plan attached (Attachment A & B) because they were not a part of the Board's signature. Dale spoke to the EMS

division and subsequently obtained those Attachments A & B so they are references. Attachment A outlines the highest priorities for funding which is the training, licensing and regulations of ambulance services in the County; Attachment B is basically a contract routing the renewal letter. Commissioner Martin authorized the Chair to sign this contract. Commissioner McCown seconded. Motion carried.

#### ***County Engineer Report - Construction Manager - Arena - Fairgrounds***

Bob Szrot presented the contracts for the Arena specifically for hiring a contractor manager. He clarified that the concerns formerly expressed by the Board have been removed. A motion to sign the contracts for the Doug Porterfield's Firm as the contract manager for the arena project at the Fairground was made by Commissioner McCown. The Contracts were clarified as: one with Porterfield Architect for \$3000 and William R. Schroeder for \$6000 designated as consultation. Commissioner Martin seconded. Motion carried. Chairman Smith recalled that Ray Cogburn had put in a lot of years on the Fairboard by motion had dedicated a building in his name. She suggested might be appropriate to name after him.

#### **CONTINUED PUBLIC MEETING: VACATION/DEDICATION CR 162 APPLICANT: ANDRIANNE CROUCH**

Mark Bean suggested to move agenda item to January 18, 1999 at 11:00 A.M. A motion was made by Commissioner Martin and seconded by Commissioner McCown to continue the Public Meeting for Andrienne Crouch to January 18, 1999. Motion carried.

#### **DEPARTMENT HEADS**

##### ***Battlement Mesa Tax Appeal***

Georgia Chamberlain and Don DeFord provided the update on the Battlement Mesa Tax Appeal that has been pending for several years. Georgia is at the point where she needs to finalize this through payment of an abatement. Don felt it was best to update the Board on the process as is because it involves a number of tax entities in the County that they may be involved with.

Georgia said she called the taxing authorities and agreed to issue a check at the end of the month; but not until she has received enough money from the taxing authorities. On some of the authorities she will have collected enough but there are others that will be sending the money. The refund check is over \$93,000 and includes interest on each of the years from 1993 to 1997 tax and interest at 12%. The County's portion is \$17,000 and is based on the mill levy for Road and Bridge, Airport, Social Services and the different entities the County sets the mill levy for.

##### ***Certifications for Tax Levy's for the City of Glenwood***

Mildred submitted this document for the Board to look over and asked that they provide input to her.

##### ***Library Board***

The Library Board voted to take the fence down. Commissioner Martin suggested to use this fence at some other projects.

##### ***Weekenders Projects***

Commissioner Martin mentioned that Guy had contacted all the county shops and will have a list for Weekenders projects.

##### ***Energy Impact Grants - Updates***

Ed was directed to obtain information for the Board on the Energy Impact Grants.

##### ***Rifle Correctional***

Ed mentioned that assistance for the Library project will continue from the Rifle Correctional inmates. A motion was made by Commissioner McCown and seconded by Commissioner Martin to sign the letter drafted by Bob Szrot thanking them for their participation and asking for continued assistance.

##### **Extension of Fire Fighting Facility**

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the Chair to sign an extension to May 15, 1999 in performance and with no associated increase in costs.

### ***Fire Fighting Facility - Energy Impact Grant***

Don explained about the pending Energy Impact Grant request. The final design will be dependent upon the amount of funds available so Phil wanted it extended beyond the time in which they would get a response on Energy Impact Funds and still leave time for any redesign or changes that were needed.

### **CONTINUED PUBLIC HEARING: PRELIMINARY PLAN FOR THE RANCH CREEK PLANNED UNIT DEVELOPMENT. PROPERTY LOCATED WITHIN RANCH AT ROARING FORK**

Mark Bean, David P. Brown of 330 Sunset, Eagle County and Don DeFord were present.

Mark Bean turned it over to David but explained that this was to review the preliminary plan for the Ranch Creek PUD. David and his partners are waiting on final approval on the sewer system.

Discussion was held.

The Board wanted to wait until they get approval by the State Board of Health.

David said they are in limbo and submitted a request for continuance.

Mark added that the PUD was approved less than a year ago. A preliminary plan has been submitted, but the sewer is not in place. Therefore, the continued hearing today was for the continuance of the Preliminary Plan. He referenced the Public Hearing date was 11 August 1988.

Don stated that he and Jim Leuthueser discussed this and the hearings are continued and continued. The concern is a practical one where it has been continued over many years and notice loses effectiveness. Additional discussion occurred.

Don reiterated that public interest becomes ineffective and suggested the Board require the public notice process to be required to be updated.

A motion was made to continue this until April 5 , 1999 by Commissioner Martin and seconded by Commissioner McCown and also to be re-noticed. Clarification was made that this includes both the PUD and Preliminary Plan. Motion carried.

### **APPROVE COUNTY MILL LEVY**

Ed Green, Allen Sartin and Don DeFord were present.

Allen presented the documents mentioning that this was consistent with the last six years. This does include the additional levy that was authorized by Resolution for the Capital Expenditure Fund back in November of this year. Otherwise it is the same as proposed in the September 15th document.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to set the mill levy at 13.665 mills for residential. Motion carried.

### **RENEWAL LIQUOR LICENSE RIFLE FIRESIDE LANES, INC.**

Commissioner McCown excused himself due to the conflict as being owner/operator of the business.

Mildred presented the information mentioning that she has had no calls with regard to this establishment.

A motion was made by Commissioner Martin and seconded by Chairman Smith who stepped down as Chair to second the motion to renew the liquor license for the Rifle Fireside Lanes, Inc.

Motion carried.

### **SIGN PLAT DEDICATION/VACATION PORTION CR 114**

Larry Green was present but mentioned there was no plat to submit for signature today. His firm received the plat today and they are tracking down the owners of Lot 1. Larry said he has the deeds from CMC and would put together a package and submit it to Mark sometime during the week.

Don clarified that at the last meeting, the Chair was authorized to sign the plat.

### **STB LITIGATION**

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session to discuss the STB Litigation; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of Executive Session; carried.

### ***Resolution Authorizing Release of Securities - Aspen Glen Golf Company***

The Treasurer was authorized to release \$50,000 minus the 1% Treasurer's fees plus interest to date.

Larry stated he drafted one Resolution related to the fact that Aspen Glen Golf Filing No. 3 Company deposited \$33,938.79 on February 11, 1998 so the Treasurer will be authorized to release that amount minus the Treasurer's fee plus the interest to date.

Larry mentioned there were two others similarly situated. One for Roaring Fork Mesa Filing No. 2 for \$38,021.00; and the Aspen Glen Filing (as mentioned above) for \$33,938.79 and another one for Filing No. 6 for \$28,132.00.

Don said what Larry was asking would be for the Chair to be authorized to sign a Resolution that authorized the release of security in the amounts for the projects Larry just enumerated.

Commissioner Martin so moved. Commissioner McCown seconded. Motion carried.

## **ROAD AND BRIDGE DISCUSSION - MARALEX RESOURCES NATURAL GAS LINE COUNTY ROAD 222**

Mark Bean and King Lloyd were present. King gave his report.

### ***Weight and Oversized Reports***

The reports for November were distributed to the Board. King commented that things are steady in permits.

### ***Maralex Resources Natural Gas CR 222***

King said they are reinstalling a line that was too shallow in depth on Dry Park, CR 222 for almost three miles. The original company was purchased by Maralex and is redoing the same gas line in a deeper depth. However, in doing this they were reducing the travel on the County road to one lane. At first they did not want to cooperate by removing the dirt off the gravel. King alerted Maralex that the contamination would need to be removed and the road would need to be re-graveled. King added four additional stipulations that included: 1) no back fill utilizing frozen back fill; 2) the roadway would need to be re-graveled; 3) failure to comply with any of these stipulations would warrant a withdrawal of the permit; and 4) the permittee will be responsible for County Inspection fees.

Commissioner Martin mentioned that the Board was interested in placing a restriction on the Conditional Use Permit to repair the road to the original condition.

Ed suggested liquidated damages.

King suggested to add "the right to hire another operation to come in and do the repairs."

Chairman Smith suggested that King and Ed work together on the phrasing and bring it back to the Board for discussion.

### ***County Road 226***

King mentioned the dead-end sign was placed on County Road 226.

### ***Bridge - Schiedler/Snyder***

King will write Jim Snyder since he had expressed an interest in the bridge and inform him that the ownership was transferred to Paul Schiedler in accordance with previous discussions.

## **COMMENTS FROM CITIZENS NOT ON THE AGENDA**

### ***Gene Park, Grand Valley Citizens Alliance - Bill to be Introduced - Oil and Gas***

Gene said in cooperation with the San Juan Citizens Alliance they were preparing a bill to be introduced hopefully to get a better planning field with the Oil and Gas Commission. They will try to get more input. Russell George has helped and advised the Citizen's Alliance. Mark Larson will be the one to introduce the bill. Russell has the duty of assigning the bills with his position as Speaker of the House. As soon as a copy of the restructured bill is ready, he will fax one to the Board.

The restructuring process includes: 3 people that will have oil and gas background; the other 4 people will possibly include a representative from The Board of County Commissioners; a person at large, a person from business and a community person who doesn't have any knowledge and connection to this in any form. It is a 7 member board.

Gene will fax a copy to the Board and let them see if they feel they should volunteer to serve.

Secondly, Gene said he wanted to go on record with a compliment to all three Commissioners for the work done this year; he feels they were trying to make right decisions on the issues. Thanked Marian Smith for all the years she's given. He added that Walt Stowe was a good student and starting coming to school long

before he knew he was going to be elected. Gene said he respects the decision the Board made. The Citizens Alliance listened to everybody and continually gathers information.

***Executive Session - Personnel Director's Position***

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of Executive Session; carried.

***Rio Blanco Commissioners - DA Budget***

Ed was directed to follow-up with Rio Blanco specifically Tom Judd as he wants to meet with this Board of County Commissioners regarding the DA's Budget.

**CONTINUED CONSIDERATION FINAL PLAT, OAK MEADOWS FILING #4 - BEAVER COURT**

Davis Farrar Planner, Ralph Delaney representing the Oak Meadows Homeowners Association, Mark Bean and Don DeFord were present.

Ralph Delaney submitted a letter that explains their situation and Davis Farrar gave the final revision. He briefly stated that outlined in the memo he comments that since the August 1998 meeting it says they have continued to meet with the Department of Health. They were dealing primarily with the Final Plat for Oak Meadows Beaver Court, Filing #4 but also they are dealing with the Preliminary Plats with Filing #4 which is 86 units. The Preliminary Plat cannot go forth until a Resolution on the waste water treatment issue.

Davis continued saying that Dave Akers has asked for additional information to show the plant emissions will comply with the low flow periods on Four Mile Creek specifically related to ammonia. Bob Pennington did a test about a month ago and from this they will run their calculations. The new system will meet all the regulations. They are hoping for an answer within the next 30 - 45 days. As the Department asks for additional information they are prepared and ready to submit answers.

Chairman Smith - mentioned the ammonia standards are getting tighter -- 6.8 for the present and there is some discussion about a retention pond.

Ralph mentioned it is one of the most stringent standards along the Roaring Fork River.

Davis stated he will confirm that the standards on ammonia are firm.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to schedule this for April 5 at 11:30 A. M. with the right reserved to set it earlier and re-notice; carried.

**RFRHA**

STB Litigation.

Don mentioned the drafts of correspondence were submitted that had transpired during the Executive Session.

The Press requested copies of the draft letter if the Board was going to discuss this.

The Board did not have a problem with the press having copies of the draft.

Don presented a brief discussion of what he presented to the Board for the public record. He said he had received a pleading by Charles Montange -- a copy of that was a response to a document that had been received by the Commissioners earlier. Both Commissioner Martin, Walt Brown and Don reviewed it for potential of factual misstatements. They believe there are a number of misstatements; earlier the Board discussed the status of litigation. Don mentioned the draft submitted just now summarizes the misstatement that occurred. Commissioner Martin has requested that the Board respond to the STB to correct those misstatements and that is the intent of this document.

The Board reviewed the document and discussion occurred.

Don said if the Board wants to proceed, a motion should be made to authorize the Chair to file the letter with Gordon Williams, Secretary to Surface Transportation Board (STB) correcting misstatements and factual errors in the response to Garfield County by RFRHA as well as to execute a reply to Garfield County in the form of a formal pleading with STB. Don added that this includes all the exhibits with both documents. The County is required to file all documents and original intent copies with STB -- there is a very lengthy list of parties to whom this had to be sent and it should happen as soon as possible because we don't have the formal date on which STB will act yet.

Commissioner Martin so moved as stated by the attorney with the corrections made and make the letter available to the public; and sent to the appropriate people.  
Commissioner McCown seconded. Motion carried.

### **CONSIDERATION OF MEMORANDUM OF UNDERSTANDING WITH TOWN OF NEW CASTLE, FOREST SERVICE, AND GARFIELD COUNTY ON CR 241.**

Gary Osier, Steve Rippey, Mark Bean and Don DeFord were present.

The Agreements were submitted.

Rosie Ferrin was also present and asked to be notified if the Board and the Forest Service should ever decide to close the road. She expressed her interest in trying to help with solving the problems.

Earl Dawson was also in attendance.

Don DeFord stated if the Board is ready to move forward on this, he would need a motion authorizing the Chair to sign the Agreement with the Forest Service and New Castle concerning East Elk Creek Road as corrected.

Commissioner McCown made a motion that the Chair be authorized to sign the Memorandum of Understanding. Commissioner Martin seconded; carried.

### **DISCUSSION: ANNUAL INFORMATION MEETING ON HIGHWAY PROJECTS - COLORADO DEPARTMENT OF TRANSPORTATION**

Owen Leonard (Owen Leonard replaced Bob Mosten) and Doug Aden District 7 Commissioner and Ralph Trapani were present.

Ralph Trapani gave a summary of upcoming projects and explained the proactive approach with C-DOT in obtaining additional revenue for projects. He summarized the primary focus on the projects that can be advanced. In the process of updating the State's long range 20 year plan he said this would be available within the next year or so.

Ralph named some of the projects going on presently and ones projected within the next year as: Garfield County -- Glenwood Canyon, an upgrade on the Hanging Lake Tunnels consisting of upgrading the computer software, system upgrades due to the new technology and it is becoming one of the travel operation centers for this whole area. Re-paving the Glenwood Canyon is scheduled for the year 2000 as some paving is 18 years old. Enhancement Projects include the bike path on Hwy.. 133 with Carbondale and street scaping in New Castle. Road construction South of Hwy.. 82 is also in the 20 year plan. Some improvement in the intersections on Hwy.. 82 at CR 154 at Hwy.. 82; the CMC intersection on Hwy.. 82 and Red Canyon Road.

Ralph mentioned the changes would be completed between now and July 1999.

Commissioner Martin mentioned adding Hwy.. 13 as well as Douglas Pass.

Owen Leonard mentioned on the T-21 Issue that C-DOT has about \$40 million additional over the life of the Bill. The reality of it is in soliciting recommendations there was only \$25 million in recommendations. He suggested that the Board take a proactive approach to get their projects reviewed by the TPR and recognize the opportunity that this region has money and they don't know where they will spend it.

DeBeque Canyon - Update

Owen mentioned they tapped into Emergency Fund Money for the DeBeque Canyon and said the slide created an event that caused I-70 to heave up about 14 feet at the particular location. This is a massive feature. There was a sub-component of that slide which was moving in April which caused the problem. Back in 1924 the slide became active and came down the river and onto the railroad on the north side of the river. There is concerns with the experts that there is a potential for a fairly massive event there. The experts watching this area since the interstate was built in 1980's know that the cracks upon top are widening with time.

Sub-component that was moving in April - in 1924 - the slide became active - there is concerns with the experts that the potential of a massive event there. In cooperation with U. S. Geological Survey as well as the Colorado Geological Survey and Colorado School of Mines, Department of Transportation FHWA to monitor the slide so a lot of latest technology, instrumentation equipment, has been installed under the slide to provide current information about what is happening there. A couple of things need to happen: 1) gives them a early warning system in the event of a catastrophic event; and 2) provides geologists and engineers with good information about what they can do to stabilize the slide on a long term basis. Until the data has been looked at and evaluated it is hard to say what the magnitude of a stabilization project would be.

Owen mentioned another thing in cooperation with Region I approved funding for an emergency incident management study on I-70 from C-470 in Denver to the Utah State line. He said they planned to make the software system at the Hanging Lake Tunnels compatible with Englewood and Eisenhower Tunnels.

#### ***Update on Grand Avenue Bridge***

Ralph mentioned they were following through on the advice of City Council. They were not going to replace the bridge and he is working on getting a bridge rehab project together that includes resurfacing, some good permanent lane marking and some minor repairs underneath the bridge. He added that they did get some professional engineers in the water to check the bridge scour and it is in good condition. He would like to do the work this summer.

#### **County Road 109**

Don DeFord gave an update on the right-of-way acquisition. The most difficult acquirement of right-of-way is where the nail wall is planned, this may need to be redesigned but if it occurs more right-of-way would need to be acquired.

A motion was made by Commissioner McCown and seconded by Commissioner Martin to authorize the payment of \$5427.07 out of the Road and Bridge Fund for right-of-way acquisition; carried.

#### **PUBLIC HEARING: SPECIAL USE PERMIT TO ALLOW PLACEMENT OF AN ACCESSORY DWELLING UNIT ON 4.01 ACRES LOCATED: 3925 COUNTY ROAD 233 RIFLE, CO APPLICANT: CHARLES E. GRIFFIN**

John Barbee, Don DeFord and Mr. and Mrs. Charles Griffin were present.

Don stated this was a noticed meeting; determined that notification and posting was in order and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

John submitted the following Exhibits: A - Glenwood Post Publication; Exhibit B - Returned Receipts; and Exhibit C - Staff Report and Attachments.

Chairman Smith admitted Exhibit A - C into the record.

John stated this was a special use permit to allow an manufactured accessory dwelling. He commented that legal access will be provided an access easement crossing Parcel 1, on the south and Parcel 2 on the east, connecting with County Road 233.

#### **Recommendation:**

Staff recommends APPROVAL, finding that the proposed use is in compliance with all plans, policies, resolutions and regulations as adopted and amended by Garfield County, and that the approval be granted with the following conditions:

That all representations of the applicant, either within the application or stated at the meeting before the Board of County Commissioners, shall be considered conditions of approval.

That the applicant obtain written approval from a licensed engineer for placement of the septic leach field as proposed in the application site plan.

The applicant shall obtain all necessary permits and all development shall comply with the application and site plan as submitted.

Charles - said he was going to retire the first of January and would supplement his social security income by using this for a rental.

Commissioner Martin moved to close the public hearing. Commissioner McCown seconded. Motion carried.

Commissioner Martin made a motion and Commissioner McCown seconded to approve the Special Use Permit to allow for the placement of an accessory dwelling unit for Charles Griffin as presented with the recommendations provided by staff; carried.

#### ***Rose Ranch Preliminary Plan***

Victoria Giannola and Don DeFord were present.

The Rose Ranch Preliminary Plan was deemed by the Building and Planning Department to be complete.

A motion was made by Commissioner Martin to refer the Rose Ranch Preliminary Plan before the Planning Commission. Commissioner McCown seconded; carried.

**PUBLIC HEARING: AFFORDABLE HOUSING AMENDMENT ZONE DISTRICT TEXT  
AMENDMENTS - SECTIONS 5.03, 4.07.11 APPLICANT: BOARD OF COUNTY  
COMMISSIONERS**

Tom Beard, Calvin Lee, Dave Michaelson of Rock Creek Studio, Tim Thulson Don DeFord and Victoria Gianolla were present.

Victoria submitted the publication information.

Don determined that notification was adequate and advised the Board they were entitled to proceed.

Chairman Smith swore in the speakers.

Victoria submitted the following Exhibits: Exhibit A - Proof of Publication in the Glenwood Post; Exhibit B - Affordable Housing Memorandum; Exhibit C - Final Report of the Future Travel and Mobility Study by Healthy Mountain Communities; Exhibit D - Aspen Valley Improvement Association Housing Study of 1998; Exhibit E - Carbondale Affordable Housing Study of 1988; Exhibit F - Community Development Department of the City of Glenwood Springs Housing Study of 1996; Exhibit G - Garfield County Annual Household Income; Exhibit H - Affordable Housing Facts prepared by Bob Schultz; Exhibit I - The Chapter contained in - "Not in My Back Yard - Removing Barriers to Affordable Housing"; Exhibit J - Market Physical and Community Impact Analysis Report prepared by THK in 1988; Exhibit K - Residential Use Patterns and Work force Dynamics Study by Gab Preston and Bill Ripsom; Exhibit L - Residential Sector Work force Generation Study by Gab Preston; Exhibit M - Garfield County Comprehensive Plan Chapters on Housing; Exhibit N - Garfield County Zoning Resolution of 1978 as amended; and Exhibit O - Project Information and Staff Comment Report.

Chairman Smith admitted Exhibits A - O into the record.

Victoria presented the Underlying Mission of the Affordable Housing Regulations. This is basically to foster a prosperous economy and healthy communities through the creation and the maintenance of a diverse housing stock for the economically and socially diverse residents of Garfield County. Under this Mission they have a few values: We are a community that values our members; and our working people without regard to their economic, physical or social status. We believe that all people who contribute to the community through their work, or their participation in community life should be housed in dignified housing that is both affordable and accommodating to them. Any housing that's created in this effort should be considered the pride of our community.

There are a number of local trends that point to the need in Garfield County for affordable housing. Namely we again as a community which has unfortunately experienced a rapid and alarming loss in our housing stock that's both attainable by the average worker or resident of Garfield County. Based upon the result of two recent studies that included Garfield County in 1998, the immediate household income for the County has been determined to be approximately \$45,300 and that's based upon Healthy Mountain Communities transportation survey and the Aspen Valley Improvement Association study -- both have been submitted as exhibits today. Therefore, we can determine that a household with a median income in Garfield County can afford housing that's valued at approximately \$135,900. However, we've seen through some recent studies by both the Town of Carbondale and the City of Glenwood Springs that housing costs are not matching the median income. Since 1990 the median housing costs in the Town of Carbondale have risen to what was an affordable price of \$125,000 to a non-affordable price of \$225,000. This is roughly \$100,000 over the median price determined that a household could afford. For the City of Glenwood we also notice an alarming increase. In 1990 the average sales price was again an attainable \$112,800 while in 1996 the average sales price of a home rose to a certainly unattainable \$187,700 - this is roughly over \$50,000 that a median income could afford.

Victoria went on to say, let's not forget our democratic ideals. As a result of these trends the working and contributing members of our community are finding it increasing difficult to locate housing within their price range and as a result the employers as a consequence are unable to retain or obtain employees to run their businesses at optimum efficiency. These business range from vehicle repair shops which are owned by our own planning commission member to contracting companies that members of our subcommittee for the Housing Authority own and operate, from School Districts from which your own county employees work with. These individuals and businesses rely upon the median income earners to perform their daily services that our community depends upon. The recent trends and projections for the studies noted for the 1997 and 1998 show the gap is only increasing at a steady rate. If we as a government agency, responsible for the welfare residents, are to disregard, devalue and cheapen the lives of our service workers and community professionals, then we disregard, devalue and cheapen the lives of every member of our community and

ultimately the businesses that form the foundation of the economic welfare. To assist others is to aid ourselves.

Victoria went over some fundamentals of the draft of the Affordable Housing Regulations presented to the Commissioners for adoption. She presented an overview and stated that the Planning Commission has reviewed and recommended approval.

***Public Comment:***

Debbie McKenna, a counselor with a Masters in Child Psychology working in this area for almost 20 years, said that children and families are under stress. The lack of affordable housing in our valley really significantly contributes to the stress on families in our communities. All families are busier than ever, between work, school and extra curricular activities. There is very little time for families to spend quality time together. Without affordable housing, the commute time added in for families, is cut down even more. Communication is a major strength and an asset to families and it seems more obvious the more time spent together the more communication happens. This makes for a healthier family unit. One of the issues is aggravated by the lack of affordable housing is the "arsenic hour." This is when parents get home from work and cooking dinner with children screaming because they're hungry; everybody's tired and grumpy and it gets pretty ugly. It seems to her when you add a 45 minute to 1 1/2 hour commute to these families to get home to their children, certainly that is aggravated and the children's quality of time with their parents is going to go downhill when you add this kind of stress added onto their day. Affordable housing would allow parents to get home in time to be more relaxed about their evening, more available to their children for homework and extra curricular activities, have more time together for meals and be more relaxed. Another major issue she feels is real important for the Commissioners to think about is latch key children who are home alone after school before their parents get home from work. It's a growing percentage of our population, and a significant percentage of our kids in our valley. But these children who are left alone are at higher risk for experiencing boredom, loneliness, fear, depression or poor academic performance. Safety is a concern and the most important issue is whether or not they are truly unsupervised or without structure. Kids who have no regulations, who are just hanging out, are the ones most likely to get into trouble, far more susceptible to substance abuse, behavior problems, and giving into peer pressure. Some studies show that juvenile crime peaks between 3 and 7 P.M. Violent crime by young people also peaks between the same hours. These problems can be minimized by close supervision and contact with a nearby adult or parent. However, if a child knows their parent is 10 minutes away instead of 1 1/2 hours away, they are a lot less likely to really push the limits. She encouraged the Commissioners to support this proposal.

Dr. Julie Martin said that she is a veterinarian and has been working in this community for almost 5 years. She felt someone ought to represent the people that live at these affordable housing places. She wasn't sure of the perception of those who would be living in the affordable housing units but she is one of them. She would therefore use herself and her work situation as an example. She mentioned she has her doctorate in Veterinarian Science with a special interest in birds and reptiles. She teaches at Colorado Mountain College in the veterinarian technician program and has consulted with them on the animals they house up there; she also works for any nonprofit that has animals. She commented that she is involved in the community and exemplifies the type of person that comes into the community and provides a vital service to the other people in the community.

To represent the people at River Valley Ranch, she said she bought a place in September at Thompson's Corner and the type of people living there are primarily single business owners, some retirees and some families. Some of her neighbors include a computer expert, electrician, entrepreneurs, a paramedic and other types of people who provide services that are very important.

Julie added that it was important for her to purchase a place rather than stay here and rent a place.

***Comments from the Subcommittee***

Tom Beard presented on the behalf of the subcommittee. He said as discussed before, he has a relatively independent committee with a lot of different opinions and this has been very vital to this process. The majority of their group recommends in passing the Ordinance as drafted. They do have some concerns in 5.09.05.01. 1) They don't disagree in philosophy with the draft Ordinance in front of the Board in terms of the most appropriate place for this housing is in high density residential areas. They do want the Commissioners to consider that sometimes they are more appropriate high density residential areas than others. In the current Comp Plan, for instance, two properties were treated similarly that are very different -- specifically Rose Ranch and Sanders -- they're different access to bus routes, different access to

amenities and there are differences to all areas. What the subcommittee is saying is that they believe that if one area is more appropriate in a high density residential area than another, the cash in lieu or some sort of sender/receiver relationship should be established. Do not eliminate that flexibility. There is a limited amount of land in this valley and he hesitates to limit the options. This will need to be reviewed as these projects come through Planning and Zoning and possibly the Housing Authority. There needs to be plenty of time to review the transfer from one high density residential area to another as to whether it's appropriate or not. 2) The regulations are a little bit broad in terms of what this should apply to. We believe it should apply to either all subdivisions that come before you with no up-zoning or it should only apply in the case where the people are asking for a density bonus. 3) We realize that with the legality there would need to be an Ordinance passed that has as much documentation and regulation in it as possible. We would like to caution you as the people that you have chosen to administer this program that as said before we're not ready with a comprehensive set of guidelines. Certainly as the Ordinance is drafted it is workable but there are an awful lot of gaps as to how we can actually make this work. We need to have some kind of a document that is not necessarily amenable but something that can be changed. In the first year or two of this process we're going to come up against new things and we will need some flexibility to change it. We do realize that this will have to be a public process. The subcommittee drafted a set of guidelines that are a blend between Carbondale Affordable Housing Corporation and Pitkin County. Both groups have put a considerable amount of time in on this and we need time to put these guidelines in place. The Ordinance could be passed but encouraged the Commissioners to give the subcommittee as much flexibility in terms of how we administer these programs. 4) The last issue is a technical concern in some of the areas in the way this is drafted. There are several references to the County maintaining a list of approved housing agencies. Tom said he has a concern about bureaucratic spread if we have three or four different agencies administering. This problem fights the fundamental nature of our agreement to begin with that we do not want to create a bureaucracy. Therefore he suggested this language needed to be looked at and addressed. Chairman Smith asked, since Carbondale and Pitkin County guidelines were put together, are they really pretty compatible?

Tom Beard said Carbondale's are straight forward and it's a one page. Pitkin County's is 50 pages. So between the two the spirit of the Carbondale guidelines dealt with one specific project and they dealt with it pretty well. The Pitkin County guidelines indicate a big staff and a lot of complicated issues. Commissioner Martin inquired if Tom's committee was intending on maintaining this list since they suggested only one entity -- would it be Garfield County's Housing Authority or would that encumber them with something they didn't want to deal with?

Tom Beard responded that it wouldn't be viable if there were three or four different agencies operating in the unincorporated parts of the County. If the Housing Authority was the Commissioner's choice then they have agreed to take on that responsibility.

Commissioner McCown mentioned having heard a lot about industry and business being partners but there is no mention other than developers. How did the Subcommittee suggest to bring other people in and what tools do they use to ensure cooperation from employers in this?

Tom Beard said that it has been discussed and there is feedback from a majority of your employment centers in the County. Everyone has the problem and from their own self-interest they are relying on businesses to work with the Housing Authority. In these guidelines they addressed some of the needs in the housing but there is a large number of people making \$7.50 an hour that this proposal does not address.

Ed Green inquired on the interest rate asking what if there was a dramatic increase on mortgage rates next year.

Victoria Giannola referred to page 3 of the regulations - paragraph 4 - the intent is that the affordable units would be restricted in terms of their appreciation rate and upon resale the purchase price would be returned to the homeowner provided the market is still healthy along with either the Denver/Boulder Urban Wage Earners CIP or 3% whichever is less so there is a cap of 3% appreciation.

Tom Beard said he goes back to the guidelines and there are issues if there was a major adjustment in the economy. He felt the guidelines needed to stay focused on that and why he suggested to make them amenable as conditions change. The Plan does not address that specifically but it can be amended.

Robert Schultz said that if you are driving the cost of what affordability is from wages, wages are going to tend to go with inflation but not to the same extent that interest rates can. So it is going to be easier to make rent based on wages rather than a mortgage once you factor in 10 - 12% interest rates.

Commissioner McCown asked if it is going to be easier for the individual who is required to put 30% or 25% of his development into affordable housing at 18% and how does a developer make that work?

Robert Schultz said this proposal is based around 10% and the way it works is like any other cost in your project.

Commissioner McCown inquired of Tom Beard when the affordable housing has to be built or allocated as far as built-out or the development.

Tom Beard replied that the developer would have to satisfy the need. The Ordinance does not immediately address this and these would need to be put in as guidelines. The intention of both his committee and everyone is to build this affordable housing as the development is built out -- it has to be built in phases.

Commissioner McCown said in theory then it would be 10 houses and 1 affordable housing unit.

Tom Beard if it was 50 units and a developer was using the cash in lieu you would buy 5 units in another place.

Larry Green said in his opinion there seems to be a great number of holes in this regulatory scheme. Tom talked about a management agreement -- supplemental regulations. Where are they with this agreement time frame wise? He asked whether it would be better to have these guidelines adopted now in order to avoid filling in the blanks later on?

Tom Beard said their first draft was completed last week. This has been a similarly pressure driven situation because they are many developments out there to be developed at the present time. This issue is very eminent for us and believe in the next 30 days they can have a rough draft of implementation guidelines.

Chairman Smith asked Don DeFord if this would be adopted by Ordinance or by Resolution?

Don DeFord said it would be by Resolution. He asked if Tom's group discussed the relative merits of dedication of land versus actual construction of housing.

Tom Beard replied that the issue was discussed but the need is for housing, not for lots. If there is land dedicated that question needs to be asked. If you have deeded land and you don't have a builder, then you don't have a house on it. If in fact someone is going to put deeded lots into a mix or deed property then there is a need to find someone to built the unit(s).

Don DeFord asked then if this would be included in the development agreement or should it be dealt with as part of the regulatory scheme?

Tom Beard answered he believed this would be left up to the individual developers to make proposals that economically work for them -- whether it be deeded lots or units. The general feeling is that if in fact a deeded lot could be provided in an easy way for a builder or a guaranteed relationship with the builder, then the purpose would have been accomplished.

Commissioner McCown said we all see the need for affordable housing, but using the number as provided by Victoria Giannola, for every \$150,000 affordable housing, another would need to be built for the person that built the house. He said he didn't ever see it catching up. Based on the number of building permits issued this year, Garfield County would have had to build 470 units to break even and this didn't go with the \$150,000 per house ratio.

Victoria Giannola said the mitigation as proposed would not address the impact fully, it would only address it partially. This is not known yet as they have only looked at construction jobs.

Tom Beard referenced the top of page 3 of the proposed plan where it talks about affordable housing units would be made available for full time residents and/or employees in Garfield County that have accumulative net worth assets of less than \$100,000. Tom added that means if someone is not an active employee in Garfield County or if Valley View Hospital for instance were trying to recruit a new staff person, is that person eligible for affordable housing?

Victoria Giannola clarified that it was intended for anyone who lives or works in Garfield County.

Don DeFord added that once someone was offered the job then they would qualify.

Tom Beard mentioned that his committee would work as diligently as possible with their own counsel and would work with many of the other attorneys in town to try and make this a viable instrument as possible. Chairman Smith commented that to make this as flexible and amenable is a great advantage.

Tom Beard mentioned the subcommittee would need the Commissioners' administrative authority for the flexibility and understand that they didn't want an affordable housing requirement in a high density area transferred to a low density. That is not what they are trying to accomplish. As a review process this has to come back through Planning and Zoning and back in front of the Commissioners as these projects are proposed. So there is an opportunity if it's not appropriate. The purpose in leaving flexibility in terms of a

Resolution is to try and fill in these holes as quickly as they can. Finally, Tom encouraged input from the community; they need all the help they can get and they do not want to create bad guidelines.

Tim Whitsit is a property owner in Garfield County and has an office in Carbondale. He has 10 years experience in Aspen/Pitkin County Affordable Housing issues. He's on the Board of the Aspen Pitkin County Employee Housing that's a private/nonprofit build and manage affordable housing units and Chairman on the newly forming affiliate Roaring Fork Habitat and Humanity Group. He commended the staff and the subcommittee saying they have an excellent piece of legislation in front of the Board and wanted to encourage the Commissioners to go forward on this legislation. There is clearly enough legal basis for this legislation provided to them with the reports and documentation. Not only is there legal authority for it -- there is the moral imperative for it which has been addressed. One of the true measures of a society like ours is how well we deal with the less fortunate portions of our society. In this valley in the past there has not been a place for those who are less fortunate. This legislation is a start towards minding the store. Clearly as Tom Beard and others have said, it doesn't fully mitigate the problems that we are creating for ourselves but it is a good first step. He backed what Tom Beard said and the recommendation of the subcommittee that looked at it. This is not necessarily an issue of up-zoning. He encouraged them to look at this for Subdivisions across the Board. The final point he said he would like to make would be, certainly building the house would be the best but there are some ways to go about it when they can't build the houses. One important thing as a suggestion, assuming and hoping the Commissioners will pass an Ordinance like this, is in implementation. Look hard -- there are some necessary provisions to accept -- cash in lieu and off site housing. The land is the key and the land is important in this valley. No. 1 priority is land on site; land off site -- in those situations look very closely and skeptically at cash in lieu. The governments up valley have had these programs running for 15 - 20 years and what they found is (early on they accepted a lot of cash in lieu money) that the cash in lieu last year won't build the housing they need this year. It never catches up.

Tom Beard mentioned that the committee didn't make a recommendation one way or the other -- they were split on that.

Chairman Smith mentioned this is really a broad section of people serving to draft this plan and she is very impressed with those that were together working on this document.

Calvin Lee an attorney and former member of the Garfield County Planning and Zoning Commission and a resident of the County since 1981 said several months ago he said he was visiting with a friend and saying that Roaring Fork Crystal Alliance was thinking about supporting Rose Ranch is they did something with the Herrings and did some organic management of their golf course. His friend recalled an article about the Cardinal of the Catholic Church making a statement about second home owners (which he referenced Rose Ranch to be) and this article was regarding Vail. The Cardinal stated that it was immoral for Vail to be catering and supporting second home owners -- the wealthy and not taking care of their workers -- the people who are the back bone of their community. Calvin said as he gave this some thought he said, "why not throw in Affordable Housing" for the demands of Rose Ranch thinking that they weren't going to pay too much attention to it and to his shock and surprise Ron Heggemeier came back to him several days later after he made the demand and said how about this Calvin, \$900,000 toward Affordable Housing?" The Commissioners actually heard the Rose Ranch application and this Board required that they have they have affordable housing on site.

Since that hearing, rumor has it that not only Rose Ranch but Coryell, Sanders, Spring Valley and Cerise are all going to come in with affordable housing components. This is an indication that developers can do affordable housing -- they are good at what they do and if they have guidance and they know that something is required on them they have the intelligence and creativity to do whatever the County thinks they need and they do it at a profit. So even before the developer knows that this Ordinance is being passed, they are all doing this. And not only because they know it's going to be required of them, but they know it's good for their profit. Many developers have told him that they are aware it is hard to keep employees on their golf courses, in their projects working, cleaning, etc. so by doing this -- just moving housing around on subdivision matters -- the Commissioners can be the architects of social justice here. The reason why the Ordinance is drafted is not as comprehensive as many would like it, is because the committee members felt it needed to be as flexible as possible. Calvin relayed a situation of a single mother employed as a secretary with a 12 year old who was being evicted and trying to find a rental in this valley. She reported the cheapest thing she could find was \$1200 a month.

There is a continual cry for affordable housing for the workers and those business people like Mark Gould, Bob Young and Dick Stevenson have commented to Calvin that they fully supported the language. Therefore, Calvin said he encouraged the Board to pass this regulation -- it is sorely needed. This is not the entire solution and it does not only put some burden on the developer but others who are doing things to encourage the development of affordable housing as well. The Commissioners have provided the impetus and the moral imperative and the leadership to say to developers that this was necessary and they responded. He asked for a continued message that this is important and this Board of County Commissioners as they are the ones that can provide that message.

Tim Thulson said Balcomb is the firm that represents Rose Ranch and he wanted to make some comments on their behalf. 1) They support this effort to adopt the affordable housing as a PUD Resolution mainly because they have that already and would like to see others held to the same requirement. 2) They've been working with the subcommittee extensively and Tom Beard and asked the Commissioners to heed his recommendation because that group will be responsible for managing this program.

With regard to the cash in lieu Rose Ranch stands ready to satisfy their requirements in their present PUD but they believe there is an opportunity if you combine cash in lieu with identified other properties where that may indeed provide a more workable solution. 3) The last comment is not on behalf of Rose Ranch, it is a legalese argument -- he thinks they should clarify the language in the Resolution that this will apply to the Comprehensive Plan as amended. This would preempt any developer from coming down later amending the Comprehensive Plan saying they are not subject to the mitigation because this is applicable to the Comp Plan as it exists. Also, the Board may not want to adopt this in a manner that would infer that this mitigation satisfies all the housing mitigation that's required. He added that he believes the Comprehensive Plan can be amended to allow for affordable housing projects specifically that can address the need on a larger scale.

Stan Stevens said this proposed regulation is needed not only in this end of the valley but also it should be recognized it will soon be needed throughout the county itself. Also recognize that without providing affordable housing we increase the number of cars on the highways and cause a problem with transportation as well as the quality of life issues. As far as a developer is concerned, there is no doubt that they will not provide an affordable house with the same square footage as they are proposing for their more expensive homes, nor on the same size lot. So the cost to the developer to provide an affordable house is not as high as it would be to produce their large homes for resale purposes. So they are capable of producing an affordable house within their total development and still be able to make a reasonable profit without causing the other houses to be out priced.

Art Kleinstein said he was the manager of the development company that specializes in affordable housing. He commented on the proposal from a developer's point of view by cautioning the Board on certain things that should be considered. The first one is on deed restriction housing. He said there should be a fall back. What happens if no one buys the house for whatever reason. He encouraged maximum flexibility and the Board can decide what suits each purpose at each point. Other than these things he would recommend the Commissioner endorse the proposal with flexibility.

Larry Green asked Victoria Giannola to explain why there is somewhat different treatment between an up-zoning not in the context of a PUD and a PUD application.

Robert Schultz commented that they didn't want to create a system that would dissuade applicants from going through the PUD process. One of the considerations was not to create a framework that would encourage applicants not to participate in the PUD process.

Greg Boeker asked why there wasn't a density bonus of 10% as well for PUD's?

Robert Schultz said this was a valid point but he doubted if they would ever see this application.

Greg Boecker said yes they will -- Coryell Ranch. He added that he felt PUD's should be treated the same and be subject to the same densities as the others.

Tom Beard mentioned there was different opinions on this issue.

Robert Schultz said a high density designation is a minimum rather than a maximum whereas on the median and low density it gives you a range of 6 to 9 or 10 plus; with the high density the designation has more than one unit per two acres so it doesn't really give you a distinction between coming in with 60 units or 66 units. This makes it ideal to address some of the housing situations. The low density, 1 unit per 10 acres does establish some sort of a threshold that you can't go beyond.

Victoria Giannola mentioned the regulations were written like this to include both PUD's and re-zones is that in addressing any increases in zoning, the idea was that if the developer were to realize the benefit by the County in allowing an increase in underlying zoning that we would in exchange get several affordable

units which would meet some of our county housing goals. And again the idea with rezoning was that if the developer did come in and request a change in zoning we would want to look at our pressing needs as addressed in the County Comprehensive Plan such they could justify a rezoning.

Tom Beard commented that the Subcommittee was split on several issues and therefore asked that the Resolution be flexible and amenable.

Victoria Giannola submitted as an Exhibit a letter from the offices of Austin, Pierce and Smith reviewing an earlier version of the regulation.

Chairman Smith entered Exhibit P into the record.

***Comments of the Board***

Chairman Smith mentioned that it all comes back to the point that Tom Beard made - it has to be flexible and amenable because there will be issues that continually come up that haven't been thought about.

A motion was made by Commissioner McCown to close the Public Hearing. Commissioner Martin seconded the motion; carried.

Commissioner Martin made a motion to adopt what has been presented to us keeping in mind that -- in the spirit of the Resolution that it is flexible and the guidelines will be established at the shortest possible time and that this Resolution is only one of many steps that they will have to take to resolve that housing problem but this is a good step and he feels we need to put it in place as soon as possible.

Commissioner McCown seconded for the purpose of discussion. He said he was not going to vote for this at this time simply because he thinks it is incomplete. He would like to see a continuance until the third Monday in January that would give Tom the time to develop his guidelines. He would like to see the guidelines all inclusive with these Ordinances.

Chairman Smith called for the question.

Vote: Martin - aye; Smith - aye; McCown - nay.

**EXECUTIVE SESSION - CONTRACTS - COUNTY ATTORNEY AND COUNTY ADMINISTRATOR**

A motion was made by Commissioner Martin and seconded by Commissioner McCown to go into an Executive Session; carried.

A motion was made by Commissioner Martin and seconded by Commissioner McCown to come out of Executive Session; carried.

A motion was made by Commissioner Martin to authorize the Chair to sign the Agreement with Ed Green for 1999. Commissioner McCown seconded; carried.

***Adjourn***

Attest:

Chairman of the Board

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DECEMBER 21, 1998

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

GARFIELD COUNTY, COLORADO

The regular meeting of the Board of County Commissioners began at 8:00 A.M. on Monday, December 21, 1998 with Chairman Marian Smith, Commissioner John Martin and Commissioner Elect Walt Stowe present. Also present were County Administrator Ed Green and Clerk & Recorder Mildred Alsdorf.

**CALL TO ORDER**

Chairman Smith called the meeting to order at 8:00 A.M.

**COUNTY ADMINISTRATOR**

*Court Security - Update*

Ed Green gave his report before the Board that included the Court panic buttons came out at \$1,700 for both the judges and another for Mildred's area.

*Courthouse Signage*

They looked at some signage quotes for the monitors to direct incoming people to the various areas.

*Motor Pool Policies*

Ed said they completed the first drafts of the motor pool policies and sent these off to CTSI for their input. Their comments came back and right now they are evaluating and integrating the suggestions. The final product should be available in mid-January.

*Computer Contract*

The first draft has been reviewed by Allen and Ed and now Don DeFord has it for legal issues. This model is also for Georgia's computer system as well.

*Fairgrounds - Fair*

The situation between Garfield County and Eagle over the meat packers has been resolved and is no longer a problem.

*Airport Liability Insurance*

Ed received an application for airport liability insurance and Carolyn Dalghren and Klaus will be meeting at the end of the week to go over the application. This will give us better coverage at a higher dollar level.

*Taughenbaugh Space*

Ed said of the interior improvements, due to Garfield Youth Services and Mountain Valley Development moving out and enlarging the space for Social Services and the Nurses as part of the budget for 1999, they are looking at the RFP documents.

*Task Order/Architect's Agreements*

As part of the 1999 budget, they are working with several architects who do business with the County on a regular basis on a task order agreement where the rates are set up in advance on a yearly basis and then issue task orders against those agreements as needed.

*Energy Impact - Tim Sarmo*

Ed said there are three proposals up for consideration this period -- Airport Fire Station, Road Improvements to the Airport, and the hiking trail improvements in Carbondale. A segment of time of January 4, 1999 has been set apart for voting with the Commissioners and Municipalities.

*Weed and Pest Director*

Ed said they have five applications in for this position and an evaluation team has been formed consisting of Mark, King, and Pat from the CSU Extension Office. An effort will be made to have Dennis Davidson participate as well.

*Personnel Director*

Ed said there are seven more applicants they are going to interview tomorrow. Two are telephone interviews as they are in Ohio.

*Airport Facility*

- water tank, his part of the County road. But no sewer and water line access.

Road into his and the County's property.

*Jail Site Updates*

Ed and Dale met with Bob Howard to discuss the contents of the Rifle Airport site letter. Bob stated that he would like to participate with the County with construction of the water tank for fire for the Airport and Jail and for his commercial development and his message was that he would be willing to pay for the incremental costs associated with a tank large enough to support all three of these entities.

*County Road Improvements*

Bob Howard is also willing to share his part of improvements to the existing County Road from the point where his development starts until it ends. However Bob was not too willing to put any more money into the sewer and water line extension because his position is he is giving the County 45 acres.

Bob also indicated that should it become a necessity, he would be willing to pay for a road that would adjoin his property and the County -- a feeder road -- into the south.

*CoGen Plant*

This meeting was canceled and rescheduled for Dec. 29.

*Update on the Jail Sites*

The report on MOC Site from West Engineering and the geotechnical from Hepworth - Pawlack. Bob Szrot will report later. Bob and Ed reviewed it and share some concerns regarding the report. Two significant concerns include: on waste engineering they recommend a Phase II review; and subsurface contamination work was also suggested before pursuing the property in great detail. Subsurface soils are not appropriate for heavy construction.

**MOC Site**

County Engineer Bob Szrot reported on the MOC Site saying he has six areas of concerns: 1) hazardous material in the soil; 2) basic geologic concerns as this was formerly an old rubbish pile and it may be 10 to 12 feet down before reaching any good soil. The foundation would be essentially done at water level. This used to be an island and a water way flowing down 7th street; 3) the water table and hydro-pressure levels would require pumps to be on the safe side. The ground level of the site is close to flood levels. 4) A history of concerns -- this used to be an island less than 100 years ago and some pictures show a water way flowing down 7th street -- now filled in; 5) The water table and hydrostatic pressure of the zone of soils -- the basement would require pumps running 24 hours a day; and 6) The ground level of the site is close to river levels. If there ever is a hundred year flood it would be of concern to a County building. Don DeFord commented from a legal point of view that if the County becomes an owner of the property then we are in the chain of becoming a remediation owner.

#### ***Appointment of the Representative for TPR***

##### *TPR Appointment*

Bob should be the representative for this group. Mick Ireland is the new Chairman. Commissioner John Martin was the key representative. Chairman Smith suggested Bob sit with Mick Ireland and Lou Trapani the former Chairman. Bob has been going to the meetings as well as Victoria from Building and Planning. January 8 is the next meeting and time was set on the Agenda to formally appoint Bob Szrot.

#### ***RFRHA Board***

The pleadings in from of the STB Board were set for discussion at 4:45 P.M. today.

##### *Minutes*

Commissioner Martin moved to approve the Board meeting minutes of November 2 and 4, 1998. Chairman Smith stepped down as Chair to second the motion; carried.

#### **BILLS**

Barbara Brown submitted the bills.

A motion was made by Commissioner Martin to pay the bills as submitted. Chairman Smith stepped down as Chair to second the motion; carried.

##### *T-Wright's Letter - Committee*

Discussion was held and it was determined the letter is fine as submitted.

A motion was made to support T-Wright's letter by Commissioners Martin and seconded by Commissioner Smith who stepped down as Chair; carried.

##### *Tele-Communications Authority*

Dale reported that he was getting out an RFP that might allow for a privatization to take over the service and architectural for both internal tele-communications facilities and mountain top facilities. He was attempting to see if there was any market interest out there.

Dale mentioned he was getting the site leases for 1999 to make sure to receive the income from the broadcasters.

Chairman Smith inquired if there was a need for more board members for the Tele- Communications Authority.

#### **CERTIFICATION OF ALL DISTRICT LEVIES - ASSESSOR**

This was rescheduled for 1:30 P.M.

#### **JAIL DISCUSSION**

Dale Hancock and Al Maggard were present for the discussion.

Mildred Alsdorf gave the report submitted by the Sheriff.

##### *Jail Count*

Total in jail: 146. 45 main jail 1 DOC; 30 Work Release; 8 Females; 4 Home Detention; no Day Reporting; 25 Workenders; 2 State Hospital; and 32 Other Jails. 4 of those in other jails are in DOC. Mildred said they were using Pitkin, Summit, Clear Creek and Mesa.

##### *Contract - County Attorney Services*

Don DeFord presented the Commissioners with a draft of an engagement of services for the County for his services. He mentioned that Tom Stuver had reviewed the document and made some suggested changes in the agreement. Don explained the agreement that it was based on a salary divided between the Board of County Commissioners and the Board of Equalization at the Board's request. This reduces his accrual leave time to 45 days maximum in line with other county employees with Don's tenure. Pursuant to this agreement, Don said he has asked and the Board can further consider if they wish, but he would ask them to buy out 25 days of leave as he has currently accrued 60 days leave under the current agreement. This will prevent him from continually losing leave time as before over the past several months. Other things new to this agreement include fixing payment of request of termination -- it also sets a jurisdiction between termination for cause and termination not for cause -- allows the Board to do either but it does define the grounds on which termination for cause could be made.

##### *Discussion on the Agreement*

Commissioner Martin made a motion to amend provision under #3 to read "majority of the Board" and authorize the Board to sign the contract and personnel action sheet for the County Attorney. The motion was seconded by Chairman Smith who stepped down as Chair; seconded.

#### **COUNTY BUSINESS**

##### *Building and Planning*

Mark Bean presented the Building and Planning Report.

A letter from Larry Green regarding the Plat for Los Amigos County Road for the dedication/vacation of CR 114 and Lot 1 and an original deed conveying to Los Amigos by CMC Partnership containing .043 instead of 3 acres -- noting this is a portion of open space between Los Amigos Subdivision CR 114 and Lot 1 Los Amigos Subdivision. The Board of County Commissioners Resolution vacating the old deeded right-of-way -- the original deed is in the County's possession. An original deed dated September 5, 1997 which CMC conveys to the Board of County Commissioners -- a 60 foot right-of-way for CR 114 as it is constructed and exists in place. And the original Mylar submitted previously.

Commissioner Martin moved to authorize the Chair to sign the Plat and acknowledge the County's part of this movement of ownership and action. Chairman Smith stepped down as Chair to second the motion; carried.

***Release - SIA - Aspen Glen***

Commissioner Martin moved to authorize the Chair to sign a release of partial satisfaction and release for the Roaring Fork Mesa Filing No. 2 for \$38,021 minus 1% plus the interest to date.

Chairman Smith stepped down as Chair to second the motion; carried.

***Pershanna Farms - Extension Request - 6 month***

Mark submitted a letter from Design Partnership, Ron Liston requesting a 6 month extension.

Mark explained and added that the District's intent is to have the site application permit for the treatment plant site and to have compiled an application for an amendment of the District Service Plan by January 1999. Also Pershanna Farms intends to have entered into a pre-inclusion agreement with the District at this time. Mark added that this could be declared a minor amendment or the Board could determine it was major issue and rule that it should be reset for public hearing.

Don suggested that the Board make a motion to deny the request by the Pershanna Farm Developers but recommend they make a similar request in the form of a Public Hearing.

Commissioner Martin so moved. The motion was seconded by Chairman Smith who stepped down as Chair; carried.

***Petition to Annex - Below Airport***

Don received a request from Jimmy Sills through Lee Leavenworth's office on behalf of the City of Rifle to consider a petition to annex property to Rifle below the Airport. The Board would need to consider: 1) whether or not they would waive the annexation impact report; and 2) agree or not to sign a petition and execute an annexation plat. Don said this action is consistent with the Board's policies. Don said he contacted Sam Phelps to verify descriptions on this and Sam is working on the plat for the City of Rifle and asked to have him render an opinion that included the county road.

Commissioner Martin moved to authorize the Chair to sign the pre-annexation and waiver of the annexation impact report. Chairman Smith stepped down as Chair to second the motion; carried. Don said he will write the letter.

***Roam Creek - Posted - No Winter Maintenance***

Commissioner Martin mentioned the winter maintenance was going beyond the sign about 1/4 - 1/2 mile. This was brought to his attention by a complaining party that lives further beyond the sign. He suggested to stay consistent and be fair, then the sign needs to be moved or stop plowing.

***Meeting - Technical Standards for the Computers***

Ed said he and Allen met with the Computer Firms. One change was they went from Corral Word Perfect Office to Microsoft Word Office. The significant difference was going from Word Perfect to Word Office.

**DEPARTMENT HEADS**

***County Engineer***

Bob Szrot reported on the architectural contract with Douglas Porterfield on the Fairgrounds. Commissioner Martin moved to accept the new contract based upon the County Administrator's recommendation. Chairman Smith stepped down as Chair to second the motion; carried.

***Baystone Financial Agreement***

Don DeFord reported on another twist in the agreement -- it was still on hold.

**HUMAN SERVICES**

Lisa Pavlisick and Deb Stewart presented.

Deb presented and thanked the County Commissioners; the Human Services Commission presented Chairman Smith with a thank you letter.

Human Commission Profile was presented to Ed and Walt as they are both new. Deb stated that an update will be issued in January.

***Fund Distribution Committee***

Compilation from Grants Committee - Deb stated they met on December 7 to determine the recommendations for the allocation of funds for 1999. She stated it came to \$185,584 but the requests they received amounted to over \$230,030.

The following was presented to Human Services Commission 9 December and approved with one correction as noted in the CMC Senior & Disabled Transportation - The Traveler:

Advocate Safehouse Project -	\$ 7,584
Asistencia Para Latinos -	5,000

Aspen Foundation Outreach -	1,000	
CMC Senior Nutrition Project -	3,500	
CMC Senior & Disabled Transportation (The Traveler)		18,000
Colorado West Regional Mental Health	24,500	
Colorado West Recovery Center	24,500	
Columbine Home Health	3,000	
Cooper Corner Adult Day Care Center	2,500	
Family Visitor Program	20,000	
Garfield Legal Services	6,500	
Garfield Youth Services	14,500	
Literacy Outreach		8,000
Mountain Valley Development Services	25,000	
Planned Parenthood of the Rocky Mtns	4,500	
Sopris Therapy Services	6,000	
Retired & Senior Volunteer Program-RSVP	10,500	

A motion was made by Commissioner Martin and seconded by Chairman Smith who stepped down as Chair to approve the Human Services Funding Grant Requests as presented and changed; carried Cheryl Hurst - Commission grateful to those who served on the grant review. She added that all who served on the committee were those who do not request funding from the County. Cheryl added that Lisa Pavlisick will serve as the Human Service Commission Chairperson for 1999.

### **SOCIAL SERVICES**

A motion was made by Commissioner Martin and seconded by Chairman Smith who stepped down as Chair to go into the Board of Social Services; carried.

A motion was made by Commissioner Martin and seconded by Chairman Smith who stepped down as Chair to come out of the Board of Social Services; carried.

### **ROAD AND BRIDGE**

King Lloyd, Mark Bean and Don DeFord were present.

#### ***Roan Creek Complaint - Todd Bracken CR 204***

King explained the situation. He and Marvin discussed it and they will plow every storm. It is about 1 1/2 mile above the "no winter maintenance" sign. A decision was made that as long as Mr. Bracken is there the county will plow the road beyond the sign.

Chairman Smith suggested King put up a "dead-end road" sign.

#### ***Weight Limits - Updated***

King said he received the report back from the County Engineer about the request to upgrade the road limits on CR 320 and CR 315. He will put together a map that he promised the oil and gas people they would provide. Now King and Don will get together and draft a Resolution to change the old postings to the new postings.

#### ***Spruce Creek Road***

Chairman Smith mentioned there was a letter on the plan of Arnold Mackley's from Paul Bernklau requesting that the County cut a water bar across the road.

King said this was a follow up request to replace the water bar with a culvert. The culvert has been put in but no gravel donated by the oil company.

Chairman Smith mentioned that CR 329 is the bone of contention.

King said CR 329 was always a limited maintenance road and it touches public land.

Mark mentioned that he just did get a request to modify the Savages Special Use Permit for timber hauling to allow them to use CR 329 onto CR 320. This will be handled later in a public hearing.

King will pull the history of maintenance on CR 329 and bring it in at the 4:15 P.M. hearing.

### **COUNTY ROAD 109 - RIGHT OF WAY AND DESIGN**

Jim Leutheser, Mark Bean, Bob Szrot, King Lloyd and Colleen Truden representing the landowner in issue number two were present.

Jim presented two issues for the Board's consideration and direction: 1) As the road turns, one of the landowners, the proposal would be to straighten the curve out and would make one landowner happy. This would make one landowner happy; the other side would push the right-of-way in somewhat. The main concern of that property owner is twofold: if it does go into the other side of the road, it might interfere with her ability to subdivide that land as it would be less than the required 2 acres. Jim suggested an easement on that particular area and asked the Board's approval. She is also concerned that she may not be able to get an access to CR 109. Of the three parcels of 2 acres, Jim suggested she have at least one access. Bob recommended the furthest south would be the best access.

The Board agreed.

Jim stated with these two issues solved, they could straighten the road.

King asked if a retaining wall would be necessary.

Bob Szrot said he did not think so.

King requested the County retain enough right-of-way to maintain the retaining wall were it necessary.

Direction of the Board was for Jim to proceed with both scenarios and find closure on this.

Commissioner Martin so moved. Chairman Smith stepped down as Chair to second the motion; carried.

2) Crystal River -- Jim said there is a ditch with a lot of water and herein lies the problem -- it is hard to build a road with water in it. Jim said they are working with the Aspen Glen people as to who's responsible to handle the dry-up of the ditch.

Bob Szrot showed the draft of the ditch and the proposed slope. This is the old Kivers-Seivers Ditch and Aspen Glen owns that portion of the ditch.

Jonathan White - State Geological recommended laying the slope back. The ditch is supposed to be dry. Colleen Truden is representing the land owner on this parcel.

Jim stated they wanted to inform the County of the issue on the ditch. There is a dispute as to how that will be interrupted. Jim said it will require some time and negotiations.

After the first of the year they will get together and resolve the issue.

King discussed his concerns regarding eliminating the wall instead of just laying it back. The concerns addressed from a maintenance standpoint would be there is a ditch established that should catch some of the seepage?

Bob mentioned having something in writing from Jonathan White.

Chairman Smith suggested that Jim continue and come back to the Board with a recommendation.

King explained that the original time-frame presented to the Commissioners was that the bids would be ready to open by the first of the year so construction could begin in March of 1999. With the revisions and moving several things, now the bid documents are not ready yet. The goal is to still obtain bids before the contractors become real busy.

get an early bid before the contractors are busy for next year.

Jim said the real issue is drying up the ditch.

Bob Szrot said there was two plans: Plan A - is to dry up the ditch, laying it back; Plan B is where they can't dry up the ditch in which case they would have to look at building a wall for a solution which is more closely. He felt that Schmueser Gordon Meyer was willing to go with either way the County decided.

Mark added that Jonathan White has been on-site and is familiar with the ditch.

## **BOARD OF HEALTH**

A motion was made to go into the Board of Health by Commissioner Martin and seconded by Chairman Smith who stepped down as Chair to second the motion; carried.

Highlights were presented.

Mary Meisner was not present due to the snow storm that prohibited some of her staff to be in attendance.

Lisa Pavlisick reported for her.

### *Regional Prevention Block Grant - 10 County Western Slope Region*

Lisa explains the Regional Prevention Block Grant for the 10 County Western Slope Region including: Summit, Eagle, Garfield, Pitkin, Grant, Clear Creek, Jefferson, Rio Blanco, Moffat, Mesa, Lake and Park Counties, have a total population of 861,672 and have pulled together the set of data and staff will be hired to compile the data to obtain a clear picture of the area. They will be looking at the EMS trip reports, local hospital emergency departments and clinics, local coalition collecting information for youths -- bicycle helmet use and recreational area data. They are hoping to pull this information together by April and a target area will then be focused on and pulled together for the next funding cycle for a Regional Entry Prevention Program.

### *Pediatrician Update*

Lisa said this is looking very good and Garfield County will qualify for a review. Cost for dollars from the State for a low income clinic. The next meeting is scheduled for February 9.

### *Immunization Action Plan - Highlight for 1998*

Lisa gave updates on the IAP - 1998 saying they have expanded the services to five communities holding twelve clinics each week; the postcard referral system for parents as a reminder; and the re-contact system to remind parents when the immunizations are due. The increase is over 15% of the immunization coverage of 1 and 2 year olds. 3,700 doses of vaccine were given.

### *Family Outreach*

They are continuing to work with the schools for Hepatitis B; gave 2300 doses of flu vaccine.

Commissioner Martin submitted a special request that included vaccines for the youngsters without a preservative. He would like to see some kind of special week or month that preservative free vaccines are available.

### *Educational Update*

Public Health sponsored several Center for Disease Control Conferences at VVH - In-Services to Family Day Care, Rifle Police Department, Social Services, Rifle Rotary and Garfield Youth Services and edited the new vaccine policy for the Colorado Department of Health and Human Environment.

### *Dental Health*

The mobile van is being researched.

### *WIC*

The program has 950 clients. 86% of their clients are breast feeding.

### *EPSDT*

Have written grants and obtained \$10,672 from A. V. Hunter and Aspen Foundation for dental services for needy people.

### *Healthy Beginnings*

Barbara Ramirez is back on their staff as Administrative Assistant.

Lisa said they were real busy in 1997 and especially thanked the Board was working with them -- the \$20,000 the Board forgave will be repaid over the next two years.

She said they are working to improve the team process.

### *Car Seats*

They received some grants from the State, Aspen Foundation and Aspen Thrift Shop.

### *Grand River Clinic*

Lisa said they served 45 women in the clinic.

### *Fund-raisers*

Their 2nd annual Memories of Music in May with the Family Visitors Program and their 2nd annual Bowl-A-Thon will be held in August 1999.

Commissioner Martin suggested an East and West end challenge and agreed to work on this with Lisa.

A motion was made by Commissioner Martin and seconded by Commissioner to come out of the Board of Health; carried.

### **CONSIDERATION OF 1999 BANKING AGREEMENT - TREASURER**

Georgia Chamberlain 4-293

Last Spring the Board was advised to sign a new banking agreement. Ed Green and Allen Sartin reviewed the document the bank would sign and begin January 1, 1999. Georgia added an Exhibit F - their position who allows them to sign.

Georgia mentioned that the auditors requirements are included; she also stated this allowed for on-line banking.

A motion was made by Commissioner Martin to authorize the signing of the Banking Agreement with Alpine Bank. Chairman Smith stepped down as Chair to second the motion.

Don mentioned he had an opportunity to review the document. Motion carried.

### **CERTIFICATION OF ALL DISTRICT LEVIES - ASSESSOR**

Assessor Steve Rippey gave the report.

Commissioner Martin moved to certify the Mill Levies as presented by the County Assessor.

Chairman Smith stepped down as Chair to second the motion; carried.

### **BOND APPROVAL - TREASURER**

Don DeFord and Georgia Chamberlain explained that the Commissioners set the amount of bond for the Treasurer. They recommended the bond be set for \$10,000.

Don said to set a bond for the potential of covering the Treasurer would not be appropriate. The County does cover insurance.

The Treasurer takes office on January 1 and is sworn in. Don further said that the statute only requires the Treasurer to have bond approval.

#### ***Resolution - Bond for Treasurer***

A motion was made by Commissioner Martin to authorize the Chair to sign the Resolution. Chairman Smith stepped down as Chair to second the motion; carried.

### **AFFORDABLE HOUSING RESOLUTION**

Victoria Giannola, Don DeFord, Tom Beard and Tim Thulson were present.

Victoria Giannola presented the resolution for review.

Don DeFord had discussions and at the end of the public hearing, he said he feels this resolution presents the findings in the manner presented by the Commissioners. It does not incorporate the regulations that are not completed.

Chairman Smith wanted to know if the resolution could be amended to add the guidelines.

Don said yes they can be but it has to be done as any other amendment which requires notice and public hearing. He stated his discussions with Tim Thulson and Tom Beard -- their concern is they felt the motion as approved by the Commissioners incorporated in it a requirement for changes to the proposal that was in front of them at the conclusion in the hearing and included that language in the motion. (*The motion is shown below made on December 14, 1998 for clarification purposes.*)

Commissioner Martin made a motion to adopt what has been presented to us keeping in mind that -- in the spirit of the Resolution that it is flexible and the guidelines will be established at the shortest possible time and that this Resolution is only one of many steps that they will have to take to resolve that housing problem but this is a good step and he feels we need to put it in place as soon as possible.

Commissioner McCown seconded for the purpose of discussion. He said he was not going to vote for this at this time simply because he thinks it is incomplete. He would like to see a continuance until the third Monday in January at which time that would give Tom the time to develop his guidelines. He would like to see the guidelines all inclusive with these Ordinances.

Chairman Smith called for the question.

Vote: Martin - aye; Smith - aye; McCown - nay.

Don said this Resolution does not do that.

Commissioner Martin said it did not include changes but it did include the shortest period of time for the duty put on Tom Beard for the guidelines.

Don summarized some of the discussion added that the public hearing process had been closed on December 14, 1998. First of all, in terms of an amendment, that would take a minimum of 60 days by the time it goes to the Planning Commission and comes back before the Commissioners. He said the Housing Authority was prepared to move expeditiously by the end of January 1999 to get this done. There was a belief that the Commissioners incorporated some of their suggestions in their motion, nevertheless for those payment in cash in lieu of actual on-site housing and some issues as to who was eligible in terms of the definitions -- incorporated into the motion -- someone wouldn't have to be employed but could be prospective employment.

Don said he didn't hear that.

Discussion was held.

Chairman Smith said this would get it off of the ground and there may be a need for clarification and this could be done when it went back to public hearing for the guidelines.

Commissioner Martin said the clarification sure, but the base document is there is with the provision that we have the request to go ahead and refine it during the period the guidelines are being put together. This is what the motion was.

Chairman Smith clarified then that what Commissioner Martin was saying is while the guidelines are being put together the Board see if there are things that we want to see changed and then when we go back to a public hearing for adding the guidelines, then we also do any changes that we see.

Commissioner Martin said the spirit of the Resolution is a flexible guideline and will be established in the shortest period of time as possible. This Resolution is only one of many steps.

Don summarized that the Board would proceed to adopt this and Commissioner Martin's motion was to adopt it as proposed anticipating that as soon as guidelines were prepared by the Housing Authority we would consider that and other changes as necessary as proposed amendments.

Tom Beard said they would be starting on the guidelines meeting every Monday and beginning on December 29, 1998.

Don said one of the arguments in support of any affordable housing regulation is inclusionary zoning -- that is that part of the Commissioners health, safety, welfare issues you can deal with in any context the Board can require a mix of housing. There are cases out there that support that argument. This does not have to be impact related. But when the Commissioners start to then say what we'll do is accept cash in lieu of affordable housing you are talking about curing, mitigating community related impacts not requiring a mix of housing within the development. It can be supported as there are at least three theories that the County can support an affordable housing regulation but it moves us away from the inclusionary zoning argument and even more firmly behind the impact related support. Right now there is some evidence that this is related to impact but probably not what we would hope to have in the future.

this is related to impacts. the firmest guidelines.

Chairman Smith said she would rather go ahead and approve the Resolution as it is knowing that they could make amendments.

Commissioner Martin made a motion to authorize the Chair to sign the Affordable Housing Resolution as presented. Chairman Smith stepped down as Chair to second the motion.

Discussion

Tom Beard said as long as the record reflects flexibility.

Chairman Smith called for the vote.

Smith - aye; Martin - aye. McCown - absent

Potential Funding - Impact Support for the Resolution

Don summarized the studies to date that covers Pitkin County, Garfield County of some of Eagle County as well. Based upon that alone, Garfield County was able to demonstrate the correlation between the 10% of affordable housing and the impacts of a development. However, the impacts to the development could be greatly either in excess of that or more varied. Victoria and Don have discussed this and Don said he thinks it is appropriate to go ahead a study to be done as the Board has with road related impacts, schools have done with school related impacts, fire district when they were asked to tie this together.

Chairman Smith identified it as having the rationale nexus.

Don said we already have the bare minimum but felt this should be in line with what the County has done in the past.

Victoria said it would be County-wide and include efforts with the Pitkin County Planning Staff and Eagle County Planning Staff and Housing Authority. It would be much broader which will provide us with more data and more variety.

Chairman Smith inquired as to the potential cost that this would be.

Victoria said if the Board is interested and willing then she would gather some information. Initially she would be pairing up with the Pitkin County staff and recording some data. They haven't developed a research design to know what the cost would be.

Chairman Smith commented for the record that she has heard some very nice things about the Planning that is going into Rose Ranch.

*Interagency Fire Board*

The Board appointed Marian Smith as their representative on the Interagency Fire Board. The next meeting will be held on January 19, 1999.

**PUBLIC HEARING: A REQUEST TO GRANT A ZONE TEXT AMENDMENT, TO THE AGRICULTURAL INDUSTRIAL ZONE DISTRICT AS DEFINED IN SECTION 3.01 BY AMENDMENT PROCEDURES AS IDENTIFIED IN SECTION 10.01.01 OF THE GARFIELD COUNTY ZONING RESOLUTION OF 1978, AS AMENDED. SAID ZONE TEXT AMENDMENT WOULD ALLOW COMMERCIAL/RECREATIONAL FACILITY/PARK AS A SPECIAL USE IN THE AGRICULTURAL INDUSTRIAL ZONE DISTRICT. APPLICANT: JMB PROPERTIES, INC.**

John Barbee, Don DeFord, Dave Michaelson of Rock Creek Studios and Steve Beckley President of JMB Properties were present.

Don determined that notification and posting were adequate and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

John presented the following Exhibits for the record: Exhibit A - Proof of Publication and Exhibit B - Staff Report and Exhibits.

Chairman Smith admitted Exhibits A and B into the record.

John stated this is a request for review of a zone text amendment to allow commercial recreational facilities.

Recommendation:

At their November meeting, the Planning Commission moved to RECOMMEND APPROVAL of the proposed zone text amendment with the following conditions.

That all representations of the applicant, either within the application or stated at the meeting before the Planning Commission, shall be considered conditions of approval.

Exhibit C - Map of the area.

Chairman Smith admitted Exhibit C into the record.

Chairman Smith asked how the access would be made.

Dave Michaelson explained it would be at the bottom of Transfer Trail.

A motion was made by Commissioner Martin and Chairman Smith stepped down as Chair to close the Public Hearing; carried.

A motion was made by Commissioner Martin and seconded by Chairman Smith stepped down as Chair to second the motion to approve the request to grant a zone text amendment with the recommendation made by staff; carried.

**PUBLIC HEARING: A REQUEST TO GRANT A SPECIAL USE PERMIT FOR RESORT DESIGNATIONS, IN CONNECTION WITH A 160 ACRE PARCEL SITUATED 8 MILES SOUTH WEST OF RIFLE, OFF COUNTY ROAD 329. APPLICANT: ANROLD AND DARLEEN MACKLEY**

John Barbee, Mark Bean, Don DeFord, Arnold and Darleen Mackley were present.

Don determined that notification and posting were adequate and advised the Commissioners they were entitled to proceed.

Chairman Smith swore in the speakers.

John Barbee presented the following Exhibits for the record: Exhibit A - Proof of Publication ; Exhibit B - Returned Receipts ; Exhibit C - Staff Report and Photos; Exhibit D - Letter from Gary and Gloria Martin in support of the SUP; Exhibit E - Letter from Barnetts; and Exhibit F - copy of maintenance from Road and Bridge on CR 329.

Chairman Smith admitted Exhibits A - F into the record.

John stated this is a request for review of a Special Use Permit for Resort Designation in the A/A/R/RD zone. The application is requesting resort status for a 160 acre parcel currently being used for light agricultural operations. The project would allow for the placement of four additional cabins ranging from 1,500 to 2,500 square feet, with a main lodge up to 3,200 square feet. The proposal would also create four outdoor campsites for tent camping. The proposal indicated that the main target market would be family reunions, weddings, and other similar social activities. A small restaurant serving guests only is planned for the larger main lodge.

Arnold Mackley address the concerns in the Bernklau letter. - CR 329 as it leaves 4/10's of a mile. Good sight - might be inconvenient but not - long stretches in the road. Narrowest spot - 18 foot driving surface - can be improved to 24 feet with more gravel.

**Recommendation:**

At their December 9 hearing, the Planning Commission moved to recommend APPROVAL, with the following conditions:

That all representations of the applicant, either within the application or stated at the hearing before the Board of County Commissioners, shall be considered conditions of approval.

That the applicant obtain all building permits and inspections consistent with the adopted rules and regulations of Garfield County for all development within the resort area.

That site specific soils investigation be performed for all proposed sites prior to construction of units and that all construction be consistent with all recommendations of a licensed engineer, and the engineer verify that all excavation and foundation bearing strata were observed and that no changes were necessary prior to the foundation being poured.

That prior to usage of any adjoining public lands, an access and recreational use permit be obtained from the Bureau of Land Management.

That a final engineered water system be approved by the Building and Planning Department prior to issuance of building permits.

That a fire mitigation plan be prepared and submitted to the Building and Planning Department prior to issuance of building permits;

That all kitchen facilities be permitted as required with the State Department of Health.

That the applicant annually test and report the condition of the water system to the State Department of Water Resources as may be required by the State.

That the applicant be limited to four (4) cabin sites, four (4) camping sites and one (1) lodge site and existing structures on site.

If alcohol is to be served in connection with the use, that the applicant receive licensing for service from the appropriate entity.

If any further expansion of the use be attempted, that the applicant re-address the proposal with and obtain the necessary approvals from the Board of County Commissioners.

No new open hearth solid-fuel fireplaces will be allowed anywhere within the resort designated area. One (1) new solid-fuel burning stove as defined by C. R. S. 25-7-401, et. seq., and the regulations promulgated thereunder, will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of natural gas burning stoves and appliances.

All exterior lighting be the minimum amount necessary and that all exterior lighting be directed inward, towards the interior of designated cabin sites, except that provisions may be made to allow for safety lighting that goes beyond the property boundaries.

A motion was made by Commissioner Martin and seconded by Chairman Smith who stepped down as Chair to close the Public Hearing; carried.

A motion was made by Commissioner Martin to approve the request for the use of a Special Use Permit for Resort Designations made by Arnold and Darleen Mackley with the 13 recommendations. Chairman Smith stepped down as Chair to second the motion; carried.

**PUBLIC HEARING: A REQUEST FOR APPROVAL OF A SPECIAL USE PERMIT TO ALLOW AN ACCESSORY DWELLING UNIT ON THE FOLLOWING DESCRIBED PROPERTY: COUNTY ROAD 312, NEW CASTLE, APPROXIMATELY 6 MILES SOUTH OF I-70 ON GARFIELD CREEK. SAID SPECIAL USE PERMIT WILL ALLOW THE APPLICANT TO CONSTRUCT A 1,419 SQUARE FOOT, DETACHED, ACCESSORY DWELLING. APPLICANT: ROBERT H. RAGEL.**

John Barbee and Don DeFord were present.

Don determined that notification and posting were adequate and said without the applicant here Don could not verify on the record that the Ragels had notified property owners listed in the Assessor's office. Chairman Smith suggested not even opening the public hearing.

A letter requesting continuance was admitted into the record.

Don said they would have to re-notice when they are ready to come before the Board in a Public Hearing.

***Executive Session - RFRHA - (2) Notice of Claims - Fish and Pace*** Don requested an Executive Session to discuss with the Board the legal issues related to each one.

A motion was made by Commissioner Martin to go into an Executive Session. Chairman Smith stepped down as Chair to second the motion; carried.

A motion was made by Commissioner Martin to come out of an Executive Session. Chairman Smith stepped down as Chair to second the motion; carried.

***Action Taken***

A motion was made by Commissioner Martin to authorize the sending of this draft letter and making it an official document signed by the Chair addressing the information of the stance through RFRHA and request to return certain documents to them. He said he did not see any corrections or deletions to the draft letter. Chairman Smith stepped down as Chair to second the motion.

Discussion

Chairman Smith stated she felt this was right.

Motion carried.

***RFRHA - Report***

Commissioner Martin reported on RFRHA by saying that he attended the meeting most of the day starting at 9:00 A.M. until 3:00 P.M. Walt Brown was there from 1:00 P.M. until 3:00 P.M. with him. The alignment selection was done through the policy committee, the alignment was the "C" alignment which leaves Glenwood Springs, follows the corridor as aligned at present to Catherine's Store which time they change alignments going north along CR 100 across property across Hwy.. 82 onto the north side of Hwy.. 82 into El Jebel and Basalt staying on the north side until they reach Woody Creek. That was the alignment that was voted upon. Carbondale voted no; Commissioner Martin raised an objection that Garfield County was not happy with that particular alignment because of the present land use and it was not within our current Comprehensive Plan to use that area for a transportation corridor or rail corridors. He added that Garfield County would prefer that they stay on the present alignment. That was so noted -- the vote was taken at 6 - 1 to go with the Alignment C.

Commissioner Martin added that some of this will be in the highway department and use C-DOT's authority to condemn and hook up to that particular corridor to run that alignment.

Don said the area from the existing railroad Catherine's Store does not adjoin any C-DOT right-of-way so that would have to some type of condemnation or purchase in that area. There are already two subdivisions in that area that have been through this Board and approved.

Commissioner Martin mentioned he did advise them of that.

Walt Brown added that it is a County Road that they will be looking to take a piece out of number one and number two C-DOT is not a member of RFRHA. C-DOT has condemnation power but RFRHA does not. So they will have to rely on their member governments to do condemnation and Garfield County is not a member. Property to be condemned is in a governmental jurisdiction of Garfield County and owned privately.

Walt added that the property that Alignment C will go through include individuals who will not like this idea at all.

Chairman Smith added that these individuals have already experienced this with Hwy.. 82 and took some prime agricultural land. She felt these land owners would be mad about the proposal.

Walt felt that this will run against some private and personal opposition. As well he said it would be a major insult to the County Commissioners' efforts over the years to plan growth around the areas that were meant to be open and hopefully used as agricultural. He still thinks RFRHA is not over the hump at STB either.

Commissioner Martin said he asked Mark to get the actual alignment that is proposed on Alignment C as 3 1/2 miles of Garfield County is affected. Included in that Mark will put a map together to see which properties will be affected, how and where. Another issue that came up was the trail easement granted by RFRHA to the City of Glenwood Springs preserving their new trail along the railroad corridor through the Wye to the 23rd street. He raised the questions as everything had been put on hold by STB, so by granting this particular easement, was it binding and should they go ahead. The Chair of RFRHA said not only is it correct but it is a pre-empted strike should anything happen to STB.

Walt said the record shows that STB did receive a request from A& K to stop RFRHA from giving that easement to Glenwood on the grounds that they made a bid on October 26 for a railroad in a certain condition, certain traffic, etc. and land that by giving that easement it would constrain their ability to run a train without interfering with it. At 23rd street it's about 6 - 8 feet from the track.

Commissioner Martin indicated the reason he asked the question was because the last paragraph on the easement says that it is binding and it must go to every other holder of the right-of-way and it will always be recognized.

Walt included that John Starr informed all of the group that because of the enabling legislation of Pitkin County open space that the STB could not order the railroad sold to someone else without their okay. Commissioner Martin indicated that he and Walt did not take an adversarial role nor did they debate any issues.

Walt asked Don if Garfield County didn't have a vote on the comp plan.

Chairman Smith stated that we do.

Walt said in February of 1997 when they approved the use of the existing corridor for a train without that P & Z approval this thing could never have gone forward. It did go forward on that basis and now they are changing not only the alignment of the train but the entire idea of the transit corridor to include Hwy.. 82 and the new alignment as one giant transit situation. He wondered if something should be said to them to make a record of objection at this point.

Don said we may to withhold saying anything until they've made a decision. It looks like there is going to be a serious question whether the comp plan they give you is the comp plan that they committed to when Garfield County signed the agreement because that Comp plan, not only in our agreement but in the conservation easement itself has to relate to the core. If they give you a comp plan that doesn't include that corridor then they haven't met their obligation.

Walt said they are giving it to us in pieces -- the only concern he has is once the alignment C came up, that's a big part of their comp plan all of a sudden. He stressed that we will need to take our vote.

Don said at the end of this year, their two year time-frame runs, and if Garfield County hasn't received the plan that we bargained for and for which they contracted, then we will need to make some decisions then.

***Adjourn***

Commissioner Martin moved to adjourn the meeting. Chairman Smith stepped down as Chair to second. Motion carried.

Attest:

Chairman of the Board

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